HISTORY OF SCOTLAND.

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THE

HISTORY OF SCOTLAND

FROM THE

ACCESSION OF ALEXANDER III. TO THE UNION.

BY

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F.R.S.E. & F.A.S.

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HISTORY OF SCOTLAND.

CHAPTER I.

ROBERT THE THIRD.

1390—1424.

THE remains of Robert the Second were committed to the sepulchre in the Abbey of Scone; and on the 14th August 1390, being the morning succeeding the funeral, the coronation of his successor, John, earl of Carrick, took place, with circumstances of great pomp and solemnity.[1] Next day, which was the Assumption of the Virgin, his wife, Annabella Drummond, countess of Carrick, a daughter of the noble house of Drummond, was crowned queen; and on the following morning, the assembled prelates and nobles, amidst a great concourse of the people, took their oaths of allegiance, when it was agreed that the king should change his name to that of Robert the Third; the appellative John, from its associations with Baliol, being considered ominous and unpopular.

The character of the monarch was not essentially different from that of his predecessor. It was amiable, and far from wanting in sound sense and discretion; but the accident which had occasioned his lameness, unfitted him for excelling in those martial exercises which were then necessary to secure the respect of his nobility, and compelled him to seek his happiness in pacific pursuits and domestic endearments, more likely to draw upon him the contempt of his nobles than any more kindly feelings. The name of king, too, did not bring with it, in this instance, that high hereditary honour which, had Robert been the representative of a long line of princes, must necessarily have attached to it. He was only the second king of a new race; the proud barons who surrounded his throne had but lately seen his father and himself in their own rank; had associated with them as their equals, and were little prepared to surrender, to a dignity of such recent creation, the homage or the awe which the person on whom it had fallen did not command by his own virtues. Yet the king appears to have been distinguished by many admirable qualities. He possessed an inflexible love of justice, and an affection for his people, which were evinced by every measure where he was suffered to follow the dictates of his own heart; he was aware of the miseries which the country had suffered by the long continuance of war, and he saw clearly that peace was the first and best bless-

[1] Winton, vol. ii. pp. 361, 362. Fordun a Goodal, vol. ii. p. 418. Chamberlain Accounts, vol. ii. p. 196. The funeral expenses amounted to £253, 19s. 9d.

ing which his government could bestow, and for the establishment and continuance of which almost every sacrifice should be made. The soundness of these views could not be doubted. They were the dictates of a clear and correct thinking mind, which, confined by circumstances to thoughtfulness and retirement, had discovered the most judicious line of policy, when all around it was turbulence and error, and a few centuries later they would have been hailed as the highest virtues in a sovereign.

But Robert was wanting in that combination of qualities which could alone have enabled him to bring these higher principles into action; and this is explained in a single word, when it has been said he was unwarlike. The sceptre required to be held in a firm hand; and to restrain the outrages of a set of nobles so haughty as those who then domineered over Scotland, it was absolutely necessary that the king should possess somewhat of that fierce energy which distinguished themselves. Irresolution, timidity, and an anxious desire to conciliate the affection of all parties, induced him to abandon the most useful designs, because they opposed the selfishness, or threatened to abridge the power, of his barons; and this weakness of character was ultimately productive of fatal effects in his own family, and throughout the kingdom. It happened also, unfortunately for the peace of the community, that his father had delegated the chief power of the state to his brothers, the Earls of Fife and of Buchan, committing the general management of all public affairs, with the title of Governor, to the first;[1] and permitting the Earl of Buchan to rule over the northern parts of the kingdom, with an authority little less than regal. The first of these princes had long evinced a restless ambition, which had been increased by the early possession of power; but his character began now to discover those darker shades of crime, which grew deeper as he advanced in years. The Earl of Buchan, on the other hand, was little less than a cruel and ferocious savage, a species of Celtic Attila, whose common appellation of the "Wolf of Badenoch," is sufficiently characteristic of the dreadful attributes which composed his character, and who issued from his lair in the north, like the devoted instrument of the Divine wrath, to scourge and afflict the nation.

On the morning after the coronation, a little incident occurred, which is indicative of the gentle character of the king, and illustrates the simple manners of the times. The fields and enclosures round the monastery had been destroyed by the nobles and their retinue; and as it happened during the harvest, when the crops were ripe, the mischief fell heavily on the monks. A canon of the order, who filled the office of storekeeper, demanded an audience of the king, for the purpose of claiming some compensation; but on announcing his errand, the chamberlain dismissed him with scorn. The mode in which he revenged himself was whimsical and extraordinary. Early on the morning after the coronation, before the king had awoke, the priest assembled a motley multitude of the farm-servants and villagers belonging to the monastery, who, bearing before them an image stuffed with straw, and armed with the drums, horns, and rattles which they used in their rustic festivals, took their station under the windows of the royal bed-chamber, and at once struck up such a peal of yells, horns, rattles, and dissonant music, that the court awoke in terror and dismay. The priest who led the rout was instantly dragged before the king, and asked what he meant. "Please your majesty," said he, "what you have just heard are our rural carols, in which we indulge when our crops are brought in; and as you and your nobles have spared us the trouble and expense of cutting them down this season, we thought it grateful to give you a specimen of our harvest jubilee." The freedom and sarcasm of the answer would have been instantly punished by the nobles; but the king under-

[1] Chamberlain Accounts, vol. ii. pp. 165, 192.

stood and pardoned the reproof, ordered an immediate inquiry into the damage done to the monastery, and not only paid the full amount, but applauded the humour and courage of the ecclesiastic.[1]

It was a melancholy proof of the gentle and indolent character of this monarch that, after his accession to the throne, the general management of affairs, and even the name of Governor,[2] were still intrusted to the Earl of Fife, who for a while continued to pursue such measures as seemed best calculated for the preservation of the public prosperity. The truce of Leilinghen, which had been entered into between France and England in 1389, and to which Scotland had become a party, was again renewed,[3] and at the same time it was thought expedient that the league with France, concluded between Charles the Sixth and Robert the Second in 1371, should be prolonged and ratified by the oath of the king,[4] so that the three countries appeared to be mutually desirous of peace. Upon the part of England, every precaution seems to have been taken to prevent any infractions of the truce. The Scottish commerce was protected; all injuries committed upon the Borders were directed to be investigated and redressed by the Lords Wardens; safe-conducts to the nobles, the merchants, and the students of Scotland, who were desirous of residing in or travelling through England, were readily granted; and every inclination was shewn to pave the way for the settlement of a lasting peace.[5] Upon the part of Scotland, these wise measures were met by a spirit equally conciliatory; and for eight years, the period for which the truce was prolonged, no important warlike operations took place: a blessed and unusual cessation, in which the country began to breathe anew, and to devote itself to the pursuits of peace.

So happy a state of things was first interrupted by the ferocity of the "Wolf of Badenoch," and the disorders of the northern parts of the kingdom. On some provocation given to Buchan by the Bishop of Moray, this chief descended from his mountains, and after laying waste the country with a sacrilege which excited unwonted horror, sacked and plundered the cathedral of Elgin, carrying off its chalices and vestments, polluting its shrines with blood, and, finally, setting fire to the noble pile, which, with the adjoining houses of the canons and the neighbouring town, were burnt to the ground.[6] This exploit of the father was only a signal for a more serious incursion, conducted by his natural son, Duncan Stewart, whose manners were worthy of his descent, and who, at the head of a wild assemblage of ketherans, armed only with the sword and target, broke across the range of hills which divide the counties of Aberdeen and Forfar, and began to destroy the country and murder the inhabitants with reckless and indiscriminate cruelty. Sir Walter Ogilvy, then Sheriff of Angus, along with Sir Patrick Gray, and Sir David Lindsay of Glenesk, instantly collected their power, and although far inferior in numbers, trusting to the temper of their armour, attacked the mountaineers at Gasklune, near the Water of Isla.[7] But they were almost instantly overwhelmed, the Highlanders fighting with a ferocity and a contempt of life, which seem to have struck a panic into their steel-clad assailants. Ogilvy, with his brother, Wat of Lichtoune, Young of Ouchterlony, the Lairds of Cairncross, Forfar, and Guthrie, were slain, and

[1] Fordun a Hearne, vol. iv. pp. 1111, 1112.

[2] Chamberlain Accounts, vol. ii. p. 165. "Et Comiti de Fyf: Custodi regni pro officio Custodis percipient: mille marcas per annum." Ibid. pp. 261, 267.

[3] Rymer, Fœdera, vol. vii. p. 622. Rotuli Scotiæ, vol. ii. pp. 103, 105.

[4] Records of the Parliament of Scotland, sub anno 1390, p. 136. Rotuli Scotiæ, vol. ii. p. 98.

[5] Rotuli Scotiæ, vol. ii. pp. 99, 100, 101, 103, 105.

[6] Winton, vol. ii. p. 363. Keith's Catalogue, p. 83. See Chamberlain Accounts, vol. ii. p. 355.

[7] Winton, Chron. vol. ii. pp. 368, 369. Fordun a Goodal, vol. ii. p. 420. Glenbreret, where this writer affirms the battle to have been fought, is Glenbrierachan, about eleven miles north of Gasklune. Macpherson's Notes on Winton, p. 517.

sixty men-at-arms along with them; whilst Sir Patrick Gray and Sir David Lindsay were grievously wounded, and with difficulty carried off the field. The indomitable fierceness of the mountaineers is strikingly shewn by an anecdote preserved by Winton. Lindsay had pierced one of these, a brawny and powerful man, through the body with his spear, and thus apparently pinned him to the earth; but although mortally wounded, and in the agonies of death, he writhed himself up by main strength, and, with the weapon in his body, struck Lindsay a desperate blow with his sword, which cut him through the stirrup and steel-boot into the bone, after which his assailant instantly sunk down and expired.[1]

These dreadful excesses, committed by a brother and nephew of the king, called for immediate redress; and it is a striking evidence of the internal weakness of the government, that they passed unheeded, and were succeeded by private feuds amongst the nobility, with whom the most petty disputes became frequently the causes of cruel and deadly revenge. A quarrel of this kind had occurred between the Lady of Fivy, wife to Sir David Lindsay, and her nephew, Robert Keith, a baron of great power. It arose from a trifling misunderstanding between some masons and the servants of Keith regarding a watercourse, but it concluded in this fierce chief besieging his aunt in her castle; upon which Lindsay, who was then at court, flew to her rescue, and encountering Keith at Garvyach, compelled him to raise the siege, with the loss of sixty of his men, who were slain on the spot.[2]

Whilst the government was disgraced by the occurrence of such deliberate acts of private war in the low country, the Highlanders prepared to exhibit an extraordinary spectacle. Two numerous clans, or septs, known by the names of the clan Kay, and the clan Quhete,[3] having long been at deadly feud, their mutual attacks were carried on with that ferocity which at this period distinguished the Celtic race from the more southern inhabitants of Scotland. The ideas of chivalry, the factitious principles of that system of manners from which we derive our modern code of honour, had hitherto made little progress amongst them; but the more intimate intercourse between the northern and southern portions of the kingdom, and the residence of the lowland barons amongst them, appear to have introduced a change; and the notions of the Norman knights becoming more familiar to the mountaineers, they adopted the singular idea of deciding their quarrel by a combat of thirty against thirty. This project, instead of discouragement, met with the approval of the government, who were happy that a scheme should have suggested itself, by which there was some prospect of the leaders in those fierce and endless disputes being cut off. A day having been appointed for the combat, barriers were raised in the level ground of the North Inch of Perth, and in the presence of the king and a large concourse of the nobility, sixty tall athletic Highland soldiers, armed in the fashion of their country, with bows and arrows, sword and target, short knives and battle-axes, entered the lists, and advanced in mortal array against each other; but at this trying moment the courage of one of the clan Chattan faltered, and, as the lines were closing, he threw himself into the Tay, swam across the river, and fled to the woods. All was now at a stand: with the inequality of numbers the contest could not proceed; and the benevolent monarch, who had suffered himself to be persuaded against his better feelings, was about to break up the assembly, when a stout burgher of Perth, an armourer by trade, sprung within the barriers, and declared that for half a mark he would supply the place of the deserter. The offer was accepted, and a dreadful contest ensued. Undefended by armour, and confined within a narrow space, the Highlanders fought

[1] Winton, vol. ii. p. 369. Extracta ex Chronicis Scotiæ, MS. folio 240.

[2] Winton, vol. ii. p. 372.

[3] Clan Quete or clan Chattan. The clan Kay is thought to have been the clan Dhai—the Davidsons, a sept of the M'Pherson.

with a ferocity which nothing could surpass; whilst the gashes made by the daggers and battle-axes, and the savage yells of the combatants, composed a scene altogether new and appalling to many French and English knights, who were amongst the spectators, and to whom, it may be easily imagined, the contrast between this cruel butchery, and the more polished and less fatal battles of chivalry, was striking and revolting. At last a single combatant of the clan Kay alone remained, whilst eleven of their opponents, including the bold armourer, were still able to wield their weapons; upon which the king threw down his gage, and the victory was awarded to the clan Quhete. The leaders in this savage combat are said to have been Shaw, the son of Farquhard, who headed the clan Kay, and Cristijohnson, who headed the victors;[1] but these names, which have been preserved by our contemporary chroniclers, are in all probability corrupted from the original Celtic. After this voluntary immolation of their bravest warriors, the Highlanders for a long time remained quiet within their mountains; and the Earl of Moray and Sir James Lindsay, by whom this expedient for allaying the feuds is said to have been encouraged, congratulated themselves on the success of their project. Soon after this, the management of the northern parts of the kingdom[2] was committed to the care of David, earl of Carrick, the king's eldest son, who, although still a youth in his seventeenth year, and with the faults incident to a proud and impatient temper, evinced an early talent for government, which, under proper cultivation, might have proved a blessing to the country.

For some years after this, the current of events is of that quiet character which offers little prominent or interesting. The weakness of the government of Richard the Second, the frenzy of the French king, the pacific disposition of the Scottish monarch, and the character of the Earl of Fife, his chief minister, who, although ambitious and intriguing, was unwarlike, all contributed to secure to Scotland the blessing of peace. The truce with England was renewed from year to year, and the intercourse between the two countries warmly encouraged; the nobility, the merchants, the students of Scotland, received safe-conducts, and travelled into England for the purposes of pleasure, business, or study, or to visit the shrines of the most popular saints; and the rivalry between the two nations was no longer called forth in mortal combats, but in those less fatal contests, by which the restless spirits of those times, in the absence of real war, kept up their military experience by an imitation of it in tilts and tournaments. An enthusiastic passion for chivalry now reigned in both countries, and, unless we make allowance for the universal influence of this singular system, no just estimate can be formed of the manners of the times. Barons who were sage in council, and high in civil or military office, would leave the business of the state, and interrupt the greatest transactions, to set off upon a tour of adventures, having the king's royal letters, permitting them to "perform points of arms, and manifest their prowess to the world." Wortley, an English knight of great reputation, arrived in Scotland; and, after a courteous reception at court, published his cartel of defiance, which was taken up by Sir James Douglas of Strathbrock, and the trial of arms appointed to be held in presence of the king at Stirling; but after the lists had been prepared, some unexpected occurrence appears to have prevented the duel from taking place.[3] Sir David Lindsay of Glenesk, who was then reputed one of the best soldiers in Scotland, soon after the accession of Robert the Third sent his cartel to

[1] Winton, vol. ii. pp. 373, 374, and Notes, p. 518. Fordun a Goodal, vol. ii. p. 420.

[2] Chamberlain Accounts, vol. ii. p. 349. "Et Dno. Comiti de Carrick de donacione regis pro expensis suis factis in partibus borealibus per tempus compoti: ut patet per literas regis concessas super has, testante clerico probacionis, 40 li."

[3] Chamberlain Accounts, vol. ii. p. 366. Fordun a Goodal, vol. ii. p. 421.

the Lord Wells, an English knight of the court of Richard the Second, which having been accepted, the duel was appointed to take place in London in presence of the king. So important did Lindsay consider the affair, that he freighted a vessel belonging to Dundee[1] to bring him from London a new suit of armour; and, when the day arrived, at the head of a splendid retinue he entered the lists, which were crowded by the assembled nobles and beauties of the court. In the first course the English knight was borne out of his saddle; and Lindsay, although rudely struck, kept his seat so firmly, that a cry rose amongst the crowd, who insisted he was tied to his steed, upon which he vaulted to the ground, and, although encumbered by his armour, without touching the stirrup, again sprung into the saddle. Both the knights, after the first course, commenced a desperate foot combat with their daggers, which concluded in the total discomfiture of Lord Wells. Lindsay, who was a man of great personal strength, having struck his dagger firmly into one of the lower joints of his armour, lifted him into the air, and gave him so heavy a fall, that he lay at his mercy. He then, instead of putting him to death, a privilege which the savage laws of these combats at outrance conferred upon the victor, courteously raised him from the ground, and, leading him below the ladies' gallery, delivered him as her prisoner to the Queen of England.[2]

Upon another occasion, in one of those tournaments, an accomplished baron, named Piers Courtney, made his appearance, who bore upon his surcoat a falcon, with the distich,—"I bear a falcon fairest in flycht, whoso prikketh at her his death is dicht, in graith." To his surprise he found in the lists an exact imitation of himself in the shape of a Scottish knight, with the exception, that instead of a falcon, his surcoat bore a jay, with an inscription ludicrously rhyming to the defiance of Courtney,—"I bear a pyet peikand at ane pees,[3] quhasa pykkis at her I sall pyk at his nees,[4] in faith." The challenge could not be mistaken; and the knights ran two courses against each other, in each of which the helmet of the Scot, from being loosely strapped, gave way, and foiled the attaint of Courtney, who, having lost two of his teeth by his adversary's spear, loudly complained of the occurrence, and insisted that the laws of arms made it imperative on both knights to be exactly on equal terms. "I am content," said the Scot, "to run six courses more on such an agreement, and let him who breaks it forfeit two hundred pounds." The challenge was accepted; upon which he took off his helmet, and, throwing back his thick hair, shewed that he was blind of an eye, which he had lost by a wound in the battle of Otterburn. The agreement made it imperative on Courtney to pay the money, or to submit to lose an eye; and it may readily be imagined that Sir Piers, a handsome man, preferred the first to the last alternative.[5]

The title of duke, a dignity originally Norman, had been brought from France into England; and we now find it for the first time introduced into Scotland in a parliament held by Robert the Third at Perth, on the 28th of April 1398.[6] At this meeting of the estates, the king, with great pomp, created his eldest son, David, earl of Carrick, Duke of Rothesay, and at the same time bestowed the dignity of Duke of Albany upon the Earl of Fife, to whom, since his accession, he had intrusted almost the whole management of public affairs.[7]

[1] Rotuli Scotiæ, vol. ii. p. 104.

[2] Winton, vol. ii. pp. 355, 356, 357. Fordun a Goodal, vol. ii. p. 422. Lindsay, in gratitude for his victory, founded an altar in the parish church of Dundee. Extracta ex Chronicis Scotiæ, MS. fol. 243.

[3] Pees—piece.

[4] Nees—nose.

[5] Fordun a Goodal, vol. ii. p. 423.

[6] Ibid. vol. ii. p. 422.

[7] Chamberlain Accounts, vol. ii. p. 421. Et libat: Clerico libacionis, domus Dni nostri Regis, ad expensas ipsius domus "factas apud Sconam, et apud Perth tempore quo tentum fuit Scaccarium, quo eciam tempore tentum fuit consilium Reg: ibidem super multis punctis et articulis necessariis pro negotiis regni, et reipublicæ, £119, 6s. 4d." The account goes on to notice the creation of the Earl of Carrick as Duke of Rothesay, of Fife

The age of the heir-apparent rendered any further continuance of his delegated authority suspicious and unnecessary. Rothesay was now past his twentieth year; and his character, although exhibiting in an immoderate degree the love of pleasure natural to his time of life, was yet marked by a vigour which plainly indicated that he would not long submit to the superiority of his uncle Albany. From his earliest years he had been the darling of his father, and, even as a boy, his household and establishment appear to have been kept up with a munificence which was perhaps imprudent; yet the affectionate restraints imposed by his mother the queen, and the control of William de Drummond, the governor to whose charge his education seems to have been committed, might have done much for the formation of his character, had he not been deprived of both at an early age. It is a singular circumstance, also, that the king, although he possessed not resolution enough to shake off his imprudent dependence upon Albany, evidently dreaded his ambition, and had many misgivings for the safety of his favourite son, and the dangers by which he was surrounded. This may be inferred from the repeated bands or covenants for the support and defence of himself and his son and heir the Earl of Carrick, which were entered into between this monarch and his nobles, from the time the prince had reached his thirteenth year.[1]

These bands, although in themselves not unknown to the feudal constitution, yet were new in so far as they were agreements, not between subject and subject, but between the king and those great vassals who ought to have been sufficiently bound to support the crown and the heir-apparent by the ordinary oaths of homage. It is in this light that these frequent feudal covenants, by which any vassal of the crown, for a salary settled upon him and his heirs, becomes bound to give his "service and support" to the sovereign and his eldest son the Earl of Carrick, are to be regarded as a new feature in the feudal constitution of the country, importing an increase in the power of the aristocracy, and a proportional decrease in the strength of the crown. There seems, in short, throughout the whole reign of David the Second and his successor, to have been a gradual dislocation of the parts of the feudal government, which left the nobles, far more than they had ever yet been, in the condition of so many independent princes, whose support the king could no longer compel as a right, but was reduced to purchase by pensions. In this way, there was scarce a baron of any power or consequence whom Robert had not attempted to bind to his service and that of his son. The Duke of Albany, Lord Walter Stewart of Brechin his brother, Lord Murdoch Stewart, eldest son of Albany, and afterwards regent of the kingdom; Sir John Montgomery of Eaglesham, Sir William de Lindsay, Sir William Stewart of Jedburgh, and Sir John de Ramorgny, were all parties to agreements of this nature, in which the king, by a charter, grants to them, and in many instances to their children, for the whole period of their lives, certain large sums in annuity, under the condition of their defending the king and the Earl of Carrick, in time of peace as well as war.[2] We shall soon have an opportunity of observing how feeble were such agreements to insure to the crown the support and loyal attachment of the subjects where they happened to counteract any schemes of ambition and individual aggrandisement.

In the meantime, the character of that prince, for whose welfare and security these alliances were undertaken, had begun to exhibit an increasing impatience of control, and an eager desire of power. Elegant in his person, with a sweet and handsome countenance, excelling in all knightly accomplishments, courteous and easy in his manners, and a devoted admirer of beauty, Rothesay was the idol of

as Duke of Albany, and of David Lindsay as Earl of Crawford.

[1] Chamberlain Accounts, vol. ii. p. 197.

[2] Chamberlain Accounts, vol. ii. pp. 281, 310, 332, 197, 206, 207, 370, 495, 219.

the populace; whilst a fondness for poetry, and a considerable acquaintance with the literature of the age, gave a superior refinement to his character, which, as it was little appreciated by a fierce nobility, probably induced him, in his turn, to treat their savage ignorance with contempt. He had already, at an early age, been familiarised to the management of public business, and had been engaged in the settlement of the disturbed northern districts, and employed as a commissioner for composing the differences on the Borders.[1] His mother, the queen, a woman of great sense and spirit, united her influence to that of her son; and a strong party was formed for the purpose of reducing the power of Albany, and compelling him to retire from the chief management of affairs, and resign his power into the hands of the prince.

It was represented to the king, and with perfect truth, that the kingdom was in a frightful state of anarchy and disorder; that the administration of the laws was suspended; those who loved peace, and were friends to good order, not knowing where to look for support; whilst, amid the general confusion, murder, robbery, and every species of crime, prevailed to an alarming and dreadful excess. All this had taken place, it was affirmed, in consequence of the misplaced trust which had been put into the hands of Albany, who prostituted his office of governor to his own selfish designs, and purchased the support of the nobles by offering them an immunity for their offences. "If," said the friends of the prince—"If it is absolutely necessary, from the increasing infirmities of the king, that he should delegate his authority to a governor or lieutenant, let his power be transferred to him to whom it is justly due, the heir-apparent to the throne; so that the country be no longer torn and endangered by the ambition of two contending factions, and shocked by the indecent and undignified spectacle of perpetual disputes in the royal household." These representations, and the increasing strength of the party of the prince, convinced Albany that it would be prudent for the present to give way to the secret wishes of the king and the open ambition of Rothesay, and to resign that office of governor, which he could no longer retain with safety.

A parliament was accordingly held at Perth on the 27th of January 1398, of which the proceedings are interesting and important; and it is fortunate that a record has been lately discovered,[2] which contains a full account of this meeting of the three estates. It is declared, in the first place, that the "misgovernance of the realm, and the defaults in the due administration of the laws, are to be imputed to the king and his ministers;[3] and if, therefore, the king chooses to excuse his own mismanagement, he is bound to be answerable for his officers, whom he must summon and arraign before his council, whose decision is to be given after they have made their defence, seeing no man ought to be condemned before he is called and openly accused."

After this preamble, in which it is singular at this early period to see clearly announced the principle of the king's responsibility through his ministers, it is declared, that since the king, for sickness of his person, is not able to labour in the government of the realm, nor to restrain "tresspassours," the council have judged it expedient that the Duke of Rothesay should be the king's lieutenant generally throughout the land for the term of three years, having full power in all things, equally as if he were himself the king, under the condition that he is to be obliged, by his oath, to

[1] Chamberlain Accounts, vol. ii. p. 349. Winton, vol. ii. pp. 376, 377.

[2] This valuable manuscript Record of the Parliament 1398, was politely communicated to me by Mr Thomson, Deputy-clerk Register, to whom we owe its discovery. It will be printed in the first volume of the Acts of the Parliament of Scotland. It appears not to be an original record, but a contemporaneous translation from the Latin original, now lost.

[3] Skene, in his statutes of Robert the Third, p. 59, has suppressed the words, "sulde be imputyt to the kyng." His words are, "sulde be imput to the king's officiars."

administer the office according to the directions of the Council-General; or, in absence of the parliament, with the advice of a council of experienced and faithful men, of whom the principal are to be the Duke of Albany, and Walter Stewart, lord of Brechin, the Bishops of St Andrews, Glasgow, and Aberdeen, and the Earls of Douglas, Ross, Moray, and Crawford. To these were added, the Lord of Dalkeith, the Constable Sir Thomas Hay, the Marshal Sir William Keith, Sir Thomas Erskine, Sir Patrick Graham, Sir John Levingston, Sir William Stewart, Sir John of Ramorgny, Adam Forester, along with the Abbot of Holyrood, the Archdean of Lothian, and Mr Walter Forester. It was next directed, that the different members of this council should take an oath to give to the young regent "lele counsail, for the common profit of the realm, nocht havande therto fede na frendschyp;" and that the duke himself be sworn to fulfil everything which the king, in his coronation oath, had promised to Holy Kirk and the people. These duties of the king were summarily explained to consist in the upright administration of the laws; the maintenance of the old manners and customs for the people; the restraining and punishing of all manslayers, reifars, brennars, and generally all strong and masterful misdoers; and more especially in the seizing and putting down of all cursed or excommunicated men and heretics.

Such being the full powers committed to the regent, provision was made against an abuse very common in those times. The king, it was declared, shall be obliged not to "let or hinder the prince in the execution of his office by any counter-orders, as has hitherto happened; and if such were given, the lieutenant was not to be bound either to return an answer or to obey them." It was next directed by the parliament that whatever measures were adopted, or orders issued, in the execution of this office, should be committed to writing, with the date of the day and place, and the names of the councillors by whose advice they were adopted, so that each councillor may be ready to answer for his own deed, and, if necessary, submit to the punishment which, in the event of its being illegal, should be adjudged by the council-general. It was determined in the same parliament that the prince, in the discharge of his duties as lieutenant, was to have the same salary allowed him as that given to the Duke of Albany, his predecessor in the office of regent, at the last council-general held at Stirling. With regard to the relations with foreign powers, it was resolved that an embassy, or, as it is singularly called, "a great message," be despatched to France, and that commissioners should be appointed to treat at Edinburgh of the peace with England, to determine whether the truce of twenty-eight years should be accepted or not.

On the subject of finance, a general contribution of eleven thousand pounds was raised for the common necessities of the kingdom, of which the clergy agreed to contribute their share, under protestation that it did not prejudice them in time to come; and the said contribution was directed to be levied upon all goods, cattle, and lands, as well demesne as other lands, excepting white sheep, riding-horses, and oxen for labour. With regard to the burgesses who were resident beyond the Forth, it was stated that they must contribute to this tax, as well as those more opulent burghers who dwelt in the south, upon protestation that their ancient laws and free customs should be preserved; that they should be required to pay only the same duties upon wool, hides, and skins, as in the time of King Robert last deceased, and be free from all tax upon salmon. The statutes which were passed in the council held at Perth in April last, regarding the payment of duties upon English and Scotch cloth, salt, flesh, grease, and butter, as well as horse and cattle, exported to England, were appointed to be continued in force; and the provisions of the same parliament went on to declare that, considering the "great and horrible de-

structions, herschips, burning, and slaughter, which disgraced the kingdom, it was ordained, by consent of the three estates, that every sheriff should make proclamation that no man riding or going through the country be accompanied with more attendants than they are able to pay for; and that, under penalty of the loss of life and goods, no man disturb the country by such slaughters, burnings, raids, and destructions, as had been common under the late governor." The act also declared that, "after such proclamation has been made, the sheriff shall use all diligence to discover and arrest the offenders, and shall bind them over to appear and stand their trial at the next justice ayre: if unable to find bail, they were immediately to be put to the knowledge of an assize, and if found guilty, instantly executed."

With regard to those higher and more daring offenders, whom the power of the sheriff or his inferior officers was altogether unable to arrest, (and there can be little doubt that this class included the greater portion of the nobles,) it was provided that this officer "should publicly declare the names of them that may not be arrested, enjoining them within fifteen days to come and find bail to appear and stand their trial, under the penalty that all who do not obey this summons shall be put to the king's horn, and their goods and estate confiscated." The only other provision of this parliament regarded a complaint of the queen-mother, stating that her pension of two thousand six hundred marks had been refused by the Duke of Albany, the chamberlain, and an order by the king that it be immediately paid—a manifest proof of the jealousy which existed between this ambitious noble and the royal family.[1]

Whilst such was the course of events in Scotland, and the ambition of Rothesay in supplanting his uncle Albany was crowned with success, an extraordinary event had taken place in England, which seated Henry of Lancaster upon the throne, under the title of Henry the Fourth, and doomed Richard the Second to a perpetual prison. It was a revolution having in its commencement perhaps no higher object than to restrain within the limits of law the extravagant pretensions of the king; but it was hurried on to a consummation by a rashness and folly upon his part which alienated the whole body of his people, and opened up to his rival an avenue to the throne which it was difficult for human ambition to resist. The spectacle, however, of a king deposed by his nobles, and a crown forcibly appropriated by a subject who possessed no legitimate title, was new and appalling, and created in Scotland a feeling of indignant surprise, which is apparent in the accounts of our contemporary historians. Nor was this at all extraordinary. The feudal nobility considered the kingdom as a fee descendible to heirs, and regarded the right to the throne as something very similar to their own right to their estates; so that the principle that a kingdom might be taken by *conquest*, on the allegation that the conduct of the king was tyrannical, was one which, if it gave Henry of Lancaster a lawful title, might afford to a powerful neighbour just as good a right to seize upon their property. It was extraordinary for us to hear, says Winton, with much simplicity, that a great and powerful king, who was neither pagan nor heretic, should yet be deposed like an old abbot, who is superseded for dilapidation of his benefice;[2] and it is quite evident, from the terms of the address which Henry used at his coronation, and his awkward attempt to mix up the principle of the king having vacated the throne by setting himself above the laws, with a vague hereditary claim upon his own side, that the same ideas were present to his mind, and occasioned him uneasiness and perplexity.[3]

It is well known that he was scarce seated on the throne when a conspiracy for the restoration of the deposed monarch was discovered, which was

[1] MS. Record of Parliament 1398, ut supra.

[2] Winton, vol. ii. p. 386.

[3] Fordun a Goodal, vol. ii. p. 427.

soon after followed by the news that Richard had died in Pontefract castle, and by the removal of a body declared to be that of the late king from Pomfret to St Paul's, where, as it lay in state in its royal shroud, Henry himself, and the whole of the nobility, officiated in the service for the dead. A report, however, almost immediately arose, that this was not the body of the king, who, it was affirmed, was still alive, but that of Maudelain, his private chaplain, lately executed as one of the conspirators, and to whom the king bore a striking resemblance.[1] After the funeral service, it is certain that Henry did not permit the body to be deposited in the tomb which Richard had prepared for himself and his first wife, at Westminster, but had it conveyed to the church of the preaching friars at King's Langley, where it was interred with the utmost secrecy and despatch.[2]

Not long after this an extraordinary story arose in Scotland. King Richard, it was affirmed, having escaped from Pontefract, had found means to convey himself, in the disguise of a poor traveller, to the Western, or out Isles of Scotland, where he was accidentally recognised by a lady who had known him in Ireland, and who was sister-in-law to Donald, lord of the Isles. Clothed in this mean habit, the unhappy monarch sat down in the kitchen of the castle belonging to this island prince, fearful, even in this remote region, of being discovered and delivered up to Henry. He was treated, however, with much kindness, and given in charge to Lord Montgomery, who carried him to the court of Robert the Third, where he was received with honour. It was soon discovered that, whatever was the history of his escape, either misfortune for the time had unsettled his intellect, or that, for the purpose of safety, he assumed the guise of madness, for although recognised by those to whom his features were familiar, he himself denied that he was the king; and Winton describes him as half mad or wild. It is certain, however, that during the continuance of the reign of Robert the Third, and after his death, throughout the regency of Albany, a period of nineteen years, this mysterious person was treated with the consideration befitting the rank of a king, although detained in a sort of honourable captivity; and it was constantly asserted in England and France, and believed by many of those best able to obtain accurate information, that King Richard was alive, and kept in Scotland. So much, indeed, was this the case that, as we shall immediately see, the reign of Henry the Fourth, and of his successor, was disturbed by repeated conspiracies, which were invariably connected with that country, and which had for their object his restoration to the throne. It is certain also that in contemporary records of unquestionable authenticity, he is spoken of as Richard the Second, king of England; that he lived and died in the palace of Stirling; and that he was buried with the name, state, and honours of that unfortunate monarch.[3]

A cloud now began to gather over Scotland, which threatened to interrupt the quiet current of public prosperity, and once more to plunge the country into war. It was thought proper that the Duke of Rothesay, the heir-apparent to the throne, should no longer continue unmarried; and the Earl of March, one of the most powerful nobles in the kingdom, proposed his daughter, with the promise of a large dowry, as a suitable match for the young prince. The offer was accepted, but before the preliminaries were arranged, March found his designs traversed and defeated by the intrigues and ambition of a family now more powerful than his own. Archibald, earl of Douglas, loudly complained that the marriage of the heir to the crown was too grave a matter to be determined without the advice of the three estates, and, with the secret design of procuring the

[1] Metrical History of the Deposition of Richard the Second. Archæologia, vol. xx. p. 220.

[2] Otterburn, p. 229. Walsingham, p. 363. Gough's Sepulchral Monuments, vol. i. p. 168.

[3] See Historical Remarks on the Death of Richard the Second, infra.

prince's hand for his own daughter, engaged in his interest the Duke of Albany, who still possessed a great influence over the character of the king. What were Rothesay's own wishes upon the occasion is not easily ascertained. It is not improbable that his gay and dissipated habits, which unfortunately seem not to have been restrained by his late elevation, would have induced him to decline the proposals of both the earls; but he was overruled, the splendid dowry paid down by Douglas, which far exceeded the promises of March, was perhaps the most powerful argument in the estimation of the prince and the king, and it was determined that the daughter of Douglas should be preferred to Elizabeth of Dunbar.

In the meantime the intrigue reached the ears of March, who was not of a temper to suffer tamely so disgraceful a slight; and, little able or caring to conceal his indignation, he instantly sought the royal presence and upbraided the king for his breach of agreement, demanding redress and the restoration of the sum which he had paid down. Receiving an evasive reply, his passion broke out into the most violent language; and he left the monarch with a threat that he would either see his daughter righted, or take a revenge which should convulse the kingdom. The first part of the alternative, however, was impossible. It was soon discovered that Rothesay with great speed and secrecy had rode to Bothwell, where his marriage with Elizabeth Douglas had been precipitately concluded; and the moment that this intelligence reached him, March committed the charge of his castle of Dunbar to Maitland, his nephew, repaired to the English court, and entered into a correspondence with the new king.

His flight was the signal for the Douglases to wrest his castle out of the hands of the weak and irresolute youth to whom it had been intrusted, and to seize upon his noble estates; so that to the insult and injustice with which he had already been treated was added an injury which left him without house or lands, and compelled him to throw himself into the arms of England.[1]

On ascending the throne, the Duke of Lancaster, known henceforth by the title of Henry the Fourth, was naturally anxious to consolidate his power, and would willingly have remained at peace; but the expiration of the truce which had been concluded with his predecessor seems to have been hailed with mutual satisfaction by the fierce Borderers; and careless of the pestilence which raged in England, the Scots broke across the marches in great force, and stormed the castle of Wark during the absence of Sir Thomas Gray, the governor,[2] who, hurrying back to defend his charge, found it razed to the foundation. These inroads were speedily revenged by Sir Robert Umfraville, who defeated the Scots in a skirmish at Fullhopelaw, which was contested with much obstinacy. Sir Robert Rutherford with his five sons, Sir William Stewart, and John Turnbull, a famous leader, commonly called "Out wyth Swerd," were made prisoners;[3] and the ancient enmity and rivalry between the two nations being again excited, the Borderers on both sides issued from their woods and marshes, and commenced their usual system of cruel and unsparing ravage.

For a while these mutual excesses were overlooked, or referred to the decision of the march-wardens; but Henry was well aware that the secret feelings both of the king and of Albany were against him: he knew they were in strict alliance with France, which threatened him with invasion; and the story of the escape of the real or pretended Richard, whom he of course branded as an impostor, while the Scots did not scruple to entertain him as king, was likely to rouse his keenest indignation. He accordingly received the Earl of March with distinguished favour; and this baron, whose remonstrances regarding the restoration of

[1] Rotuli Scotiæ, vol. ii. p. 153. Rymer, Fœdera, vol. viii. p. 153.

[2] Walsingham, p. 362.

[3] Rymer, Fœdera, vol. viii. p. 162. "This expressive appellative" appears in Rymer, "Joannus Tournebuli Out wyth Swerd."

his castle and estates had been answered with scorn, renounced his allegiance to his lawful sovereign, and agreed to become henceforward the faithful subject of the King of England;[1] upon which that monarch publicly declared his intention of instantly invading the country, and prepared, at the head of an army, to chastise the temerity of his vassal in the assumed character of Lord Superior of Scotland. In so ludicrous a light did the revival of this exploded claim appear, that, with the exception of a miserable pasquinade, it met with no notice whatever. March in the meantime, in conjunction with Hotspur and Lord Thomas Talbot, at the head of two thousand men, entered Scotland through the lands which he could no longer call his own, and wasting the country as far as the village of Popil, twice assaulted the castle of Hailes, but found himself repulsed by the bravery of the garrison; after which they burnt and plundered the villages of Traprain and Methill, and encamped at Linton, where they collected their booty, kindled their fires, and as it was a keen and cold evening in November, proposed to pass the night. So carelessly had they set their watches, however, that Archibald Douglas, the earl's eldest son, by a rapid march from Edinburgh, had reached the hill of Pencrag before the English received any notice of his approach; upon which they took to flight in the utmost confusion, pursued by the Scots, who made many prisoners in the wood of Coldbrandspath, and continued the chase to the walls of Berwick, where they took the banner of Lord Talbot.[2]

Soon after this Henry determined to make good his threats; and, at the head of an army far superior in number to any force which the Scots could oppose to him, proceeded to Newcastle; and from thence summoned Robert of Scotland to appear before him as his liegeman and vassal.[3] To this ridiculous demand no answer was returned, and the king advanced into Scotland, directing his march towards the capital. Rothesay, the governor, now commanded the castle of Edinburgh, and, incensed at the insolence of Henry, sent him his cartel, publicly defying him as his adversary of England; accusing him of having invaded, for the sole love of plunder, a country to which he had no title whatever; and offering to decide the quarrel, and spare the effusion of Christian blood which must follow a protracted war, by a combat of one hundred, two hundred, or three hundred nobles on each side.[4] This proposal Henry evaded, and proceeded without a check to Leith, from which he directed a monitory letter to the king, which, like his former summons, was treated with silent scorn.

The continuance of the expedition is totally deficient in historical interest, and is remarkable only from the circumstance that it was the last invasion which an English monarch ever conducted into Scotland. It possessed, also, another distinction highly honourable to its leader, in the unusual lenity which attended the march of the army, and the absence of that plunder, burning, and indiscriminate devastation, which had accompanied the last great invasion of Richard, and indeed almost every former enterprise of the English. After having advanced to Leith, where he met his fleet, and reprovisioned his army, Henry proceeded to lay siege to the castle of Edinburgh, which was bravely defended by the Duke of Rothesay. Albany in the meantime having collected a numerous army, pushed on by rapid marches towards the capital, with the apparent design of raising the siege and relieving the heir to the throne from the imminent danger to which he was exposed. On reaching Calder-moor, however, he pitched his tents, and shewed no inclination to proceed; whilst public rumour loudly accused him of an intention to betray the prince into the hands of the enemy, and clear for himself a passage to the throne. Yet, although the prior and subsequent

[1] Rymer, Fœdera, vol. viii. p. 153.
[2] Fordun a Goodal, vol. ii. p. 429.
[3] Rymer, Fœdera, vol. viii. pp. 157, 158.
[4] Rymer, Fœdera, vol. viii. p. 158.

conduct of Albany gave a plausible colour to such reproaches, it is not impossible that the duke might have avoided a battle without any such base intentions. The season of the year was far advanced, and the numerous host of the English king was already suffering grievously, both from sickness and want of provisions. Rothesay, on the contrary, and his garrison, were well provisioned, in high spirits, and ready to defend a fortress of great natural strength to the last extremity. The event shewed the wisdom of these calculations; for Henry, after a short experience of the strength of the castle, withdrew his army from the siege; and receiving, about the same time, intelligence of the rebellion of the Welsh, commenced his retreat into England.

It was conducted with the same discipline and moderation which had marked his advance. Wherever a castle or fortalice requested protection it was instantly granted, and a pennon with the arms of England was hung over the battlements, which was sacredly respected by the soldiers. Henry's reply to two canons of Holyrood, who besought him to spare their monastery, was in the same spirit of benevolence and courtesy. "Never," said he, "while I live, shall I cause distress to any religious house whatever: and God forbid that the monastery of Holyrood, the asylum of my father when an exile, should suffer aught from his son! I am myself a Cumin, and by this side half a Scot; and I came here with my army, not to ravage the land, but to answer the defiance of certain amongst you who have branded me as a traitor, to see whether they dare to make good the opprobrious epithets with which I am loaded in their letters to the French king, which were intercepted by my people, and are now in my possession. I sought him" (he here probably meant the Duke of Albany) "in his own land, anxious to give him an opportunity of establishing his innocence, or proving my guilt; but he has not dared to meet me."[1]

[1] Fordun a Goodal, vol. ii. p. 430.

That these were not the real motives which led to an expedition so pompous in its preliminaries, and so inglorious in its results, Henry himself has told us, in the revival of the claim of homage, the summons to Robert as his vassal, and his resolution to punish his contumacy, and to compel him to sue for pardon; but when he discovered that any attempt to effect this would be utterly futile, and the rumours of the rebellion of Glendower made him anxious to return, it was not impolitic to change his tone of superiority into more courteous and moderate language, and to represent himself as coming to Scotland, not as a king to recover his dominions, but simply as a knight to avenge his injured honour. He afterwards asserted that, had it not been for the false and flattering promises of Sir Adam Forester, made to him when he was in Scotland, he should not have so readily quitted that country; but the subject to which the king alluded is involved in great obscurity.[2] It may, perhaps, have related to the delivery into his hands of the mysterious captive who is supposed to have been Richard the Second.

The condition of the country now called for the attention of the great national council; and on the 21st of February 1401, a parliament was held at Scone,[3] in which many wise and salutary laws were passed. To some of these, as they throw a strong and clear light upon the civil condition of the country, it will be necessary to direct our attention; nor will the reader, perhaps, regret that the stirring narrative of war is thus sometimes broken by the quiet pictures of peace. The parliament was composed of the bishops, abbots, and priors, with the dukes, earls, and barons, and the freeholders and burgesses, who held of the king in chief. Its enactments appear to have related to various subjects connected with feudal possession: such as the brief of inquest; the duty of the chancellor in directing a precept

[2] Parliamentary Hist. of England, vol. ii. p. 72.

[3] Statutes of King Robert the Third, p. 51. Regiam Majestatem.

of seisin upon a retour; the prevention of distress to vassals from all improper recognition of their lands made by their overlords; the regulation of the laws regarding the succession to a younger brother dying without heirs of his body; and the prevention of a common practice, by which, without consent of the vassal, a new superior was illegally imposed upon him. Owing to the precarious condition of feudal property, which, in the confusions incident to public and private war, was constantly changing its master, and to the tyranny of the aristocracy of Scotland, it is not surprising that numberless abuses should have prevailed, and that, to use the expressive language of the record itself, "divers and sindrie our soverane lordis lieges should be many wayes unjustlie troubled and wexed in their lands and heritage be inquisitions taken favorably, and be ignorant persons." To remedy such malversation, it was enacted that no sheriff or other judge should cause any brief of inquest to be served, except in his own open court; and that the inquest should be composed of the most sufficient and worthy persons resident within his jurisdiction, whom he was to summon upon a premonition of fifteen days. When an inquest had made a retour, by which the reader is to understand the jury giving their verdict or judgment, the chancellor was prohibited from directing a precept of seisin, or a command to deliver the lands into the hands of the vassal, unless it appeared clearly stated in the retour that the last heir was dead, and the lands in the hands of the king or the overlord.

It was enacted, at the same time, that all barons and freeholders who held of the king should provide themselves with a seal bearing their arms, and that the retour should have appended to it the seals of the sheriff, and of the majority of the persons who sat upon the inquest. It appears to have been customary in those unquiet times, when "strongest might made strongest right," for the great feudal barons, upon the most frivolous pretences, to resume their vassals' lands, and to dispose of them to some more favoured or more powerful tenant. This great abuse, which destroyed all the security of property, and thus interrupted the agricultural and commercial improvement of the country, called for immediate redress; and a statute was passed, by which all such "gratuitous recognitions or resumptions of lands which had been made by any overlord, are declared of none effect, unless due and lawful cause be assigned for such having taken place." It was provided, also, that no vassal should lose possession of his lands in consequence of such recognition until after the expiration of a year, provided he used diligence to repledge his lands within forty days thereafter.[1] The mode in which this ceremony is to be performed is briefly but clearly pointed out: the vassal being commanded to pass to the principal residence of his overlord, and, before witnesses, to declare his readiness to perform all feudal services to which he is bound by law, requesting the restoration of his lands upon his finding proper security for the performance of his duties as vassal; and in order to the prevention of all concealed and illegal resumptions, it is made imperative on the overlord to give due intimation of them in the parish church, using the common language of the realm; whilst the vassal is commanded to make the same proclamation of any offer to repledge in the same public manner. In the event of a younger brother dying without heirs of his body, it is declared that his "conquest lands"—that is, those acquired not by descent, but by purchase, or other title—should belong to the immediate elder brother, according to the old law upon the subject; and it is made illegal for any vassal holding lands of the king to have a new superior imposed upon him by any grant whatever, unless he himself consent to this alteration.

In those times of violence, it is interesting to observe the feeble attempts of the legislature to introduce these restraints of the law. In the event of

[1] Statutes of King Robert the Third, pp. 52, 55.

a baron having a claim of debt against any unfortunate individual, it seems to have been a common practice for the creditor, on becoming impatient, to have proceeded to his house or lands, and there to have helped himself to an equivalent, or, in the language of the statute-book, "to have taken his poynd." And in such cases, where a feudal lord, with his vassals at his heel, met with any attractive property, in the form of horses or cattle, or rich household furniture, it may easily be believed that he would stand on little ceremony as to the exact amount of the debt, but appropriate what pleased him without much compunction. This practice was declared illegal, "unless the seizure be made within his own dominions, and for his own proper debt:" an exception proving the extreme feebleness of the government; and, in truth, when we consider the immense estates possessed at this period by the great vassals of the crown, amounting almost to a total annulment of the law.[1] In somewhat of the same spirit of toleration, a law was made against any one attempting, by his own power and authority, to expel a vassal from his lands, on the plea that he is not the rightful heir; and it was declared that, whether he be possessed of the land lawfully or unlawfully, he shall be restored to his possession, and retain the same until he lose it by the regular course of law; whilst no penalty was inflicted on him who thus dared, in the open defiance of all peace and good government, to take the execution of the law into his own hands.

It was next declared unlawful to set free upon bail certain persons accused of great or heinous crimes; and the offenders thus excepted were described to be those taken for manslaughter, breakers of prison, common and notorious thieves, persons apprehended for fire-raising or felony, falsifiers of the king's money or of his seal; such as have been excommunicated, and seized by command of the bishop; those accused of treason, and bailies who are in arrears, and make not just accounts to their masters.[2] Any excommunicated person who complains that he has been unjustly dealt with, was empowered within forty days to appeal from his judge to the conservator of the clergy, who, being advised by his counsel, must reform the sentence; and, if the party still conceived himself to be aggrieved, it was made lawful for him to carry his appeal, in the last instance, to the General Assembly of the Church. With regard to the trial of cases by "singular combat," a wise attempt seems to have been made in this parliament to limit the circumstances under which this savage and extraordinary mode of judgment was adopted; and it is declared that there must be four requisites in every crime before it is to be so tried. It must infer a capital punishment—it must have been secretly perpetrated—the person appealed must be pointed out by public and probable suspicion as its author—and it must be of such a nature as to render a proof by written evidence or by witnesses impossible. It was appointed that the king's lieutenant, and others the king's judges, should be bound and obliged to hear the complaints of all churchmen, widows, pupils, and orphans, regarding whatever injuries may have been committed against them; and that justice should be done to them speedily, and without taking from them any pledges or securities. Strict regulation was made that all widows, who, after the death of their husbands, had been violently expelled from their dower lands, should be restored to their possession, with the accumulated rents due since their husband's death; and it was specially provided, that interest or usury should not run against the debts of a minor until he is of perfect age, but that the debt should be paid with the interest which was owing by his predecessor previous to his decease.[3]

Some of the more minute regulations of the same parliament were curious: a fine of a hundred shillings was imposed on all who catch salmon within

[1] Statutes of King Robert the Third, p. 54.

[2] Statutes of King Robert the Third, p. 54.

[3] Ibid. p. 56.

the forbidden time; a penalty of six shillings and eightpence on all who slay hares in time of snow; and it was strictly enjoined, as a statute to be observed through the whole realm, that there should be no muir-burning, or burning of heath, except in the month of March; and that a penalty of forty shillings should be imposed upon any one who dared to infringe this regulation, which should be given to the lord of the land where the burning had taken place.[1] With regard to a subject of great importance, "the assize of weightis and measuris," it is to be regretted that the abridgment of the proceedings of this parliament, left by Skene, which is all that remains to us, is in many respects confused and unintelligible. The original record itself is unfortunately lost. The chapter upon weights and measures commences with the declaration, that King David's common elne, or ell, had been found to contain thirty-seven measured inches, each inch being equal to three grains of bear placed lengthways, without the tail or beard. The stone, by which wool and other commodities were weighed, was to contain fifteen pounds; but a stone of wax, only eight pounds: the pound itself being made to contain fifteen ounces, and to weigh twenty-five shillings. It is observed, in the next section of this chapter, that the pound of silver in the days of King Robert Bruce, the first of that name, contained twenty-six shillings and four pennies, in consequence of the deterioration of the money of this king from the standard money in the days of David the First, in whose time the ounce of silver was coined into twenty pennies. The same quantity of silver under Robert the First was coined into twenty-one pennies; "but now," adds the record, "in our days, such has been the deterioration of the money of the realm, that the ounce of silver actually contains thirty-two pennies."

It was enacted that the boll should contain twelve gallons, and should be nine inches in depth, including the thickness of the tree on both the sides. In the roundness or circumference above, it was to be made to contain threescore and twelve inches in the middle of the "ower tree;" but in the inferior roundness or circumference below, threescore eleven inches. The gallon was fixed to contain twelve pounds of water, four pounds of sea water, four of clear running water, and four of stagnant water. Its depth was to be six inches and a half, its breadth eight inches and a half, including the thickness of the wood on both sides; its circumference at the top twenty-seven inches and a half, and at the bottom twenty-three inches.[2] Such were all the regulations with regard to this important subject which appear in this chapter, and they are to be regarded as valuable and venerable relics of the customs of our ancestors; but the perusal of a single page of the Chamberlain Accounts will convince us how little way they go towards making up a perfect table of weights and measures, and how difficult it is to institute anything like a fair comparison between the actual wealth and comfort of those remote ages, and the prosperity and opulence of our own times.

The parliament next turned its attention to the providing of checks upon the conduct and administration of judges: a startling announcement, certainly, to any one whose opinions are formed on modern experience, but no unnecessary subject for parliamentary interference during these dark times. It was enacted that every sheriff should have a clerk appointed, not by the sheriff, but by the king, to whom alone this officer was to be responsible; and that such clerk should be one of the king's retinue and household, and shall advise with the king in all the affairs which were intrusted to him.[3] The sheriffs themselves were to appear yearly, in person or by deputy, in the king's Court of Exchequer, under the penalty of ten pounds, and removal from office; their fees, or salaries, were made payable out of the

1 Statutes of King Robert the Third, pp. 53, 54.

2 Statutes of King Robert the Third, p. 56.

3 Ibid. p. 57.

escheats in their own courts, and were not due until an account had been given by them in the Exchequer; and it was specially ordained that no sheriff should pass from the king's court to execute his various duties in the sheriffdom, without having along with him for his information the "Acts of Parliament, and certain instructions in writ, to be given him by the king's Privy Council." It was enacted that justiciars should be appointed upon the south side and north side of the water of Forth; it was made imperative upon these high judges to hold their courts twice in the year in each sheriffdom within their jurisdiction; and if any justiciar omitted to hold his court without being able to allege any reasonable impediment, he was to lose a proportion of his salary, and to answer to the king for such neglect of duty.

The process of all cases brought before the justiciar was appointed to be reduced into writing by the clerk; and a change was introduced from the old practice with regard to the circumstances under which any person summoned before the justiciar should be judged and punished as contumacious for not appearing. Of old, the fourth court—that is, the court held on the fourth day—was peremptory in all cases except such as concerned fee and heritage; but it was now appointed that the second court, or the court held on the second day, and on the last day, should be peremptory; and any person who, being lawfully summoned, neglected to appear on either of these days, was to be denounced a rebel and put to the horn, as was the custom in "auld times and courts."[1] The officer of the coroner was to arrest persons thus summoned; and it was declared lawful for such officers to make such arrests at any time within the year, either before or after the proclamation of the justice ayre. All lords of regality—by which the reader is to understand such feudal barons as possessed authority to hold their own courts within a certain division of property, all sheriffs, and all barons, who have the power of holding criminal courts—were strictly enjoined to follow the same order of proceeding as that which has been laid down for the observance of the justiciars. These supreme judges were also commanded, in their annual courts, to inquire rigidly into the conduct of the sheriffs and other inferior officers; to scrutinise the manner in which they have discharged the duties committed to them; and, if they found them guilty of malversation, to remove them from their offices until the meeting of the next parliament. Any sheriff or inferior officer thus removed, was to find security for his appearance before the parliament, who, according to their best judgment, were to determine the punishment due for his offence, whether a perpetual removal from his office, or only a temporary suspension; and, in the meanwhile, the person so offending was ordained to lose his salary for that year, and another to be substituted by the justiciar in his place.

With regard to such malefactors as were found to be common destroyers of the land, wasting the king's lieges with plundering expeditions, burning and consuming the country in their ruinous passage from one part to another, the sheriffs were commanded to do all diligence to arrest them, and to bind them over to appear at the next court of the justiciar on a certain day, under a penalty of twenty pounds for each offender, to be paid in case of contumacy, or non-appearance, by those persons who were his sureties; and it was strictly enjoined that no person, in riding through the country, should be attended by more persons than those for whom he makes full payment, under the penalty of loss of life and property. In all time coming, no one was to be permitted with impunity to commit any slaughter, burning, theft, or "herschip;" and if the offender guilty of such crimes be not able to find security for his appearance to stand his trial before the justiciar, the sheriff was enjoined instantly to try him by an assize, and; if the crime be proved against him, take order for

[1] Statutes of King Robert the Third, p. 57.

his execution. In the case of thieves and malefactors who escaped from one sheriffdom to another, the sheriff within whose jurisdiction the crime had been committed, was bound to direct his letters to the sheriff in whose county the delinquent had taken refuge. It was made imperative on such officer, with the barons, freeholders, and others the king's lieges, to assist in the arrest of such fugitives, in order to their being brought to justice; and this in every case, as well against their own vassals and retinue as against others; whilst any baron or other person who disobeyed this order, and refused such assistance, was to pay ten pounds to the king, upon the offence being proved against him before a jury.

It was made lawful for any tenant or farmer who possessed lands under a lease of a certain endurance, to sell or dispose of the lease to whom he pleased, any time before its expiry. Any vassal or tenant who was found guilty of concealing the charter by which he held his lands, when summoned by his overlord to exhibit it, was to lose all benefit he might claim upon it; and in the case of a vassal having lost such charter, or of his never having had any charter, a jury was to be impannelled, in the first event, for the purpose of investigating by witnesses whether the manner of holding corresponds with the tenor of the charter which had been lost; and, in the second case, to establish by what precise manner of holding the vassal was in future to be bound to his overlord, which determination of the assize was in future to stand for his charter. If any person, in consequence of the sentence of a jury, had taken seisin or possession of land which was then in the hands of another, who affirmed it to be his property, it was made lawful for this last to retain possession, and to break the seisin, by instituting a process for its reduction within fifteen days, if the lands be heritage, and forty days if they be conquest. If any pork or bacon, which was unwholesome from any cause, or salmon spoilt and foul from being kept too long, was brought to market, it was to be seized by the bailies, and sent immediately to the "lipper folk,"[1]—a species of barbarous economy which says little for the humanity of the age; the bailies, at the same time, were to take care that the money paid for it be restored, and "gif there are no lipper folk," the obnoxious provisions were to be destroyed.[2]

Such is an outline of the principal provisions of this parliament, which I have detailed at some length, as they are the only relics of our legislative history which we shall meet with until the reign of the first James; a period when the light reflected upon the state of the country, from the parliamentary proceedings, becomes more full and clear. Important as these provisions are, and evincing no inconsiderable wisdom for so remote a period, it must be recollected that, in such days of violence and feudal tyranny, it was an easier thing to pass acts of parliament than to carry them into execution. In all probability, there was not an inferior baron, who, sitting in his own court, surrounded by his mail-clad vassals, did not feel himself strong enough to resist the feeble voice of the law; and as for the greater nobles, to whom such high offices as Justiciar, Chancellor, or Chamberlain, were committed, it is certain, that instead of the guardians of the laws, and protectors of the rights of the people, they were themselves often their worst oppressors, and, from their immense power and vassalage, able in frequent instances to defy the mandates of the crown, and to resist all legitimate authority.

Of this prevalence of successful guilt in the higher classes, the history of the country during the year in which this parliament assembled, afforded a dreadful example, in the murder of the Duke of Rothesay, the heir-apparent to the throne, by his uncle the Duke of Albany. Rothesay's marriage, which in all probability was

[1] Leprous folk.

[2] Statutes of King Robert the Third, p. 59.

the result of political convenience more than of inclination, does not appear to have improved his character. At an age when better things were to be expected, his life continued turbulent and licentious; the spirit of mad unbridled frolic in which he indulged, the troops of gay and dissipated companions with whom he associated, gave just cause of offence to his friends, and filled the bosom of his fond and weak father with anxiety and alarm. Even after his assuming the temporary government of the country, his conduct was wild and unprincipled; he often employed the power intrusted to him against, rather than in support of, the laws and their ministers; plundered the collectors of the revenue;[1] threatened and overruled the officers to whose management the public money was intrusted; and exhibited an impatience for uncontrolled dominion.

Yet amid all his recklessness, there was a high honour and a courageous openness about Rothesay, which were every now and then breaking out, and giving promise of reformation. He hated all that was double, whilst he despised, and delighted to expose, that selfish cunning which he had detected in the character of his uncle, whose ambition, however carefully concealed, could not escape him. Albany, on the other hand, was an enemy whom it was the extremity of folly and rashness to provoke. He was deep, cold, and unprincipled; his objects were pursued with a pertinacity of purpose, and a complete command of temper, which gave him a great superiority over the wild and impetuous nobility by whom he was surrounded; and when once in his power, his victims had nothing to hope for from his pity. Rothesay he detested, and there is reason to believe had long determined on his destruction, as the one great obstacle which stood in the path of his ambition, and as the detector of his deep-laid intrigues; but he was for a while controlled and overawed by the influence of the queen, and of her two principal friends and advisers, Trail, bishop of St Andrews, and Archibald the Grim, earl of Douglas. Their united wisdom and authority had the happiest effects in restraining the wildness of the prince; soothing the irritated feelings of the king, whose age and infirmity had thrown him into complete retirement; and counteracting the ambition of Albany, who possessed too great an influence over the mind of the monarch. But soon after this the queen died; the Bishop of St Andrews and the Earl of Douglas did not long survive her; and, to use the strong expression of Fordun, it was now said commonly through the land,[2] that the glory and the honesty of Scotland were buried with these three noble persons. All began to look with anxiety for what was to follow; nor were they long kept in suspense. The Duke of Rothesay, freed from the gentle control of maternal love, broke into some of his accustomed excesses; and the king, by the advice of Albany, found it necessary to subject him to a control which little agreed with his impetuous temper.

It happened that amongst the prince's companions was a Sir John de Ramorgny, who, by a judicious accommodation of himself to his capricious humours, by flattering his vanity and ministering to his pleasures, had gained the intimacy of Rothesay. Ramorgny appears to have been one of those men in whom extraordinary, and apparently contradictory qualities were found united. From his education, which was of the most learned kind, he seems to have been intended for the church; but the profligacy of his youth, and the bold and audacious spirit which he exhibited, unfitted him for the sacred office, and he became a soldier and a statesman. His great talents for business being soon discovered by Albany, he was repeatedly employed in diplomatic negotiations both at home and abroad; and this intercourse with foreign countries, joined to a cultivation of those

[1] Chamberlain Accounts, vol. ii. pp. 512, 520, 476.

[2] Fordun a Goodal, vol. ii. p. 431. Extracta ex Chronicis Scotiæ, MS. p. 248.

elegant accomplishments to which most of the feudal nobility of Scotland were still strangers, rendered his manners and his society exceedingly attractive to the young prince. But these polished and delightful qualities were superinduced upon a character of consummate villany, as unprincipled in every respect as that of Albany, but fiercer, more audacious, and, if possible, more unforgiving.

Such was the person whom Rothesay, in an evil moment, admitted to his confidence and friendship, and to whom, upon being subjected to the restraint imposed upon him by Albany and his father, he vehemently complained. Ramorgny, with all his acuteness, had in one respect mistaken the character of the prince; and, deceived by the violence of his resentment, he darkly hinted at a scheme for ridding himself of his difficulties by the assassination of his uncle. To his astonishment the proposal was met by an expression of scorn and abhorrence; and whilst Rothesay disdained to betray his profligate associate, he upbraided him in terms too bitter to be forgiven. From that moment Ramorgny was transformed into his worst enemy; and throwing himself into the arms of Albany, became possessed of his confidence, and turned it with fatal revenge against Rothesay.[1] It was unfortunate for this young prince that his caprice and fondness for pleasure, failings which generally find their punishment in mere tedium and disappointment, had raised against him two powerful enemies, who sided with Albany and Ramorgny, and, stimulated by a sense of private injury, readily lent themselves to any plot for his ruin. These were Archibald, earl of Douglas, the brother of Rothesay's wife, Elizabeth Douglas, and Sir William Lindsay of Rossie, whose sister he had loved and forsaken. Ramorgny well knew that Douglas hated the prince for the coldness and inconstancy with which he treated his wife, and that Lindsay had never forgiven the slight put upon his sister; and with all the dissimulation in which he was so great a master, he, assisted by Albany, contrived out of these dark elements to compose a plot which it would have required a far more able person than Rothesay to have defeated.

They began by representing to the king, whose age and infirmities now confined him to a distant retirement, and who knew nothing but through the representations of Albany, that the wild and impetuous conduct of his son required a more firm exertion of restraint than any which had yet been employed against him. The bearers of this unwelcome news to the king were Ramorgny and Lindsay; and such was the success of their representations, that they returned to Albany with an order under the royal signet to arrest the prince and place him in temporary confinement. Secured by this command, the conspirators now drew their meshes more closely round their victim; and the bold and unsuspicious character of the prince gave them every advantage. It was the custom in those times for the castle or palace of any deceased prelate to be occupied by the king until the election of his successor; and although the triennial period of the prince's government was now expired, yet probably jealous of the resumption of his power by Albany, he determined to seize the castle of St Andrews, belonging to Trail the bishop, lately deceased, before he should be anticipated by any order of the king. The design was evidently illegal; and Albany, who had received intimation of it, determined to make it the occasion of carrying his purpose into execution. He accordingly laid his plan for intercepting the prince; and Rothesay, as he rode towards St Andrews, accompanied by a small retinue, was arrested near Stratyrum by Ramorgny and Lindsay, and subjected to a strict confinement in the castle of St Andrews, until the duke and the Earl of Douglas should determine upon his fate.

This needed little time, for it had been long resolved on; and when

[1] Extracta ex Chronicis Scotiæ, MS. Advocates' Library, Edinburgh, p. 248

once masters of his person, the catastrophe was as rapid as it was horrible. In a tempestuous day Albany and Douglas, with a strong party of soldiers, appeared at the castle, and dismissed the few servants who waited on him. They then compelled him to mount a sorry horse, threw a coarse cloak over his splendid dress, and hurrying on, rudely and without ceremony, to Falkland, thrust him into a dungeon. The unhappy prince now saw that his death was determined; but he little anticipated its cruel nature. For fifteen days he was suffered to remain without food, under the charge of two ruffians named Wright and Selkirk,[1] whose task it was to watch the agony of their victim till it ended in death. It is said that for a while the wretched prisoner was preserved in a remarkable manner by the kindness of a poor woman, who, in passing through the garden of Falkland, and attracted by his groans to the grated window of his dungeon, which was level with the ground, became acquainted with his story. It was her custom to steal thither at night, and bring him food by dropping small cakes through the grating, whilst her own milk, conducted through a pipe to his mouth, was the only way he could be supplied with drink. But Wright and Selkirk, suspecting from his appearance that he had some secret supply, watched and detected the charitable visitant, and the prince was abandoned to his fate. When nature at last sunk, his body was found in a state too horrible to be described, but which shewed that, in the extremities of hunger, he had gnawed and torn his own flesh. It was then carried to the monastery of Lindores, and there privately buried, while a report was circulated that the prince had been taken ill and died of a dysentery.[2]

The public voice, however, loudly and vehemently accused his uncle of the murder; the cruel nature of his death threw a veil over the folly and licentiousness of his life; men began to remember and to dwell upon his better qualities; and Albany found himself daily becoming more and more the object of scorn and detestation. It was necessary for him to adopt some means to clear himself of such imputations; and the skill with which the conspiracy had been planned was now apparent: he produced the king's letter commanding the prince to be arrested; he affirmed that everything which had been done was in consequence of the orders he had received, defying any one to prove that the slightest violence had been used; and he appealed to and demanded the judgment of the parliament. This great council was accordingly assembled in the monastery of Holyrood on the 16th of May 1402; and a solemn farce took place, in which Albany and Douglas were examined as to the causes of the prince's death. Unfortunately no original record of the examination or of the proceedings of the parliament has been preserved. The accused, no doubt, told the story in the manner most favourable to themselves, and none dared to contradict them; so that it only remained for the parliament to declare themselves satisfied, and to acquit them of all suspicion of a crime which they had no possibility of investigating. Even this, however, was not deemed sufficient, and a public remission was drawn up under the king's seal, declaring their innocence, in terms which are quite conclusive as to their guilt.[3]

The explanation of these unjust and extraordinary proceedings, is to be found in the exorbitant power of Douglas and Albany, and the weakness of the unhappy monarch, who

[1] John Wright and John Selkirk are the names, as given by Fordun a Goodal, vol. ii. p. 431. In the Chamberlain Accounts, vol. ii. p. 666, sub anno 1405, is the following entry, which perhaps relates to this infamous person: "Johanni Wright uni heredum quondam Ricardi Ranulphi, per infeodacionem antiquam regis Roberti primi percipienti per annum hereditarie quinque libras de firmis dicti burgi, (Aberdeen.)"

[2] Fordun a Goodal, vol. ii. p. 431. Chamberlain Accounts, vol. ii. p. 511.

[3] This deed was discovered by Mr Astle, and communicated by him to Lord Hailes, who printed it in his Remarks on the History of Scotland.

bitterly lamented the fate of his son, and probably well knew its authors, but dreaded to throw the kingdom into those convulsions which must have preceded their being brought to justice. Albany, therefore, resumed his situation of governor; and the fate of Rothesay was soon forgotten in preparations for continuing the war with England.

The truce, as was usual, had been little respected by the Borderers of either country; the Earl of Douglas being accused of burning Bamborough castle, and that baron reproaching Northumberland for the ravages committed in Scotland. The eastern marches especially were exposed to constant ravages by the Earls of March and the Percies; nor was it to be expected that so powerful a baron as March would bear to see his vast possessions in the hands of the house of Douglas without attempting either to recover them himself, or, by havoc and burning, to make them useless to his enemy. These bitter feelings led to constant and destructive invasions; and the Scottish Border barons—the Haliburtons, the Hepburns, Cockburns, and Lauders—found it necessary to assemble their whole power, and intrust the leading of it by turns to the most warlike amongst them, a scheme which rendered every one anxious to eclipse his predecessor by some exploit or successful point of arms, termed, in the military language of the times, *chevanches*. On one of these occasions the conduct of the little army fell to Sir Patrick Hepburn of Hailes, whose father, a venerable soldier of eighty years, was too infirm to take his turn in command. Hepburn broke into England, and laid waste the country; but his adventurous spirit led him too far on, and Percy and March had time to assemble their power, and to intercept the Scots at Nesbit Moor, in the Merse, where a desperate conflict took place. The Scots were only four hundred strong, but they were admirably armed and mounted, and had amongst them the flower of the warriors of the Lothians; the battle was for a long time bloody and doubtful, till the Master of Dunbar, joining his father and Northumberland with two hundred men from the garrison at Berwick, decided the fortune of the day.[1] Hepburn was slain, and his bravest knights either shared his fate or were taken prisoners. The spot where the conflict took place is still known by the name of Slaughter Hill.[2] So important did Henry consider this success, probably from the rank of the captives, that, in a letter to his privy council, he informed them of the defeat of the Scots; complimented Northumberland and his son on their activity, and commanded them to issue their orders for the array of the different counties, as their indefatigable enemies, in great strength, had already ravaged the country round Carlisle, and were meditating a second invasion.

Nor was this inaccurate intelligence; for the desire of revenging the loss sustained at Nesbit Moor, and the circumstance of the King of England being occupied in the suppression of the Welsh rebellion under Glendower, encouraged the Earl of Douglas to collect his whole strength; and Albany, the governor, having sent his eldest son, Murdoch, to join him with a strong body of archers and spearmen, their united force was found to amount to ten thousand men. The Earls of Moray and Angus; Fergus Macdowall, with his fierce and half-armed Galwegians; the heads of the noble houses of Erskine, Grahame, Montgomery, Seton, Sinclair, Lesley, the Stewarts of Angus, Lorn, and Durisdeer, and many other knights and esquires, embracing the greater part of the chivalry of Scotland, assembled under the command of the Earl of Douglas; and, confident in their strength and eager for revenge, pushed on, without meeting an enemy, to the gates of Newcastle. But although Henry was himself personally engaged in his Welsh war, he had left the veteran Earl of Northumberland, and his son Hotspur, in charge of the Borders; and the Scottish Earl of

1 Fordun a Goodal, vol. ii. p. 433.
2 Hume's Douglas and Angus, vol. i. p. 218.

March, who had renounced his fealty to his sovereign, and become the subject of England, joined the Percies, with his son, Gawin of Dunbar.

Douglas, it may be remembered, had risen upon the ruins of March, and possessed his castle and estates; so that the renegade earl brought with him, not only an experience in Scottish war and an intimate knowledge of the Border country, but that bitter spirit of enmity which made him a formidable enemy. It was probably by his advice that the Scots were allowed to advance without opposition through the heart of Northumberland; for the greater distance they were from home, and the longer time allowed to the English to collect their force, it was evidently the more easy to cut off their retreat, and to fight them at an advantage.

The result shewed the correctness of this opinion. The Scottish army, loaded with plunder, confident in their own strength, and secure in the apparent panic of the enemy, retreated slowly and carelessly, and had encamped near Wooler, when they were met by the intelligence that Hotspur, with a strong army, had occupied the pass in their front, and was advancing to attack them. Douglas immediately drew up his force in a deep square upon a neighbouring eminence, called Homildon Hill—an excellent position, had his sole object been to repel the attacks of the English cavalry and men-at arms, but in other respects the worst that could have been chosen, for the bulk of Percy's force consisted of archers; and there were many eminences round Homildon by which it was completely commanded, the distance being within arrow-flight. Had the Scottish knights and squires, and the rest of their light-armed cavalry, who must have composed a body of at least a thousand men, taken possession of the rising ground in advance, they might have charged the English archers before they came within bowshot, and the subsequent battle would have been reduced to a close-hand encounter, in which the Scots, from the strong ground which they occupied, must have fought to great advantage; but from the mode in which it was occupied by Douglas, who crowded his whole army into one dense column, the position became the most fatal that could have been selected.

The English army now rapidly advanced, and on coming in sight of the Scots, at once occupied the opposite eminence, which, to their surprise, they were permitted to do without a single Scottish knight or horseman leaving their ranks; but at this crisis the characteristic impetuosity of Hotspur, who, at the head of the men-at-arms, proposed instantly to charge the Scots, had nearly thrown away the advantage. March, however, instantly seized his horse's reins and stopt him. His eye had detected, at the first glance, the danger of Douglas's position; he knew from experience the strength of the long-bow of England; and, by his orders, the precedence was given to the archers, who, slowly advancing down the hill, poured their volleys as thick as hail upon the Scots, whilst, to use the words of an ancient manuscript chronicle, they were so closely wedged together, that a breath of air could scarcely penetrate their files, making it impossible for them to wield their weapons. The effects of this were dreadful, for the cloth-yard shafts of England pierced with ease the light armour of the Scots, few of whom were defended by more than a steel-cap and a thin jack or breast-plate, whilst many wore nothing more than the leather acton or quilted coat, which afforded a feeble defence against such deadly missiles. Even the better-tempered armour of the knights was found utterly unequal to resistance, when, owing to the gradual advance of their phalanx, the archers took a nearer and more level aim, whilst the Scottish bowmen drew a wavering and uncertain bow, and did little execution.[1] Numbers of the bravest barons and gentlemen were mortally wounded, and fell down on the spot where they

[1] Walsingham, p. 366. Otterburn, p. 237. Fordun and Winton do not even mention the Scottish archers.

were first drawn up, without the possibility of reaching the enemy; the horses, goaded and maddened by the increasing showers of arrows, reared and plunged, and became altogether unmanageable; whilst the dense masses of the spearmen and naked Galwegians presented the appearance of a huge hedgehog, (I use the expression of a contemporary historian,) bristled over with a thousand shafts, whose feathers were red with blood. This state of things could not long continue. "My friends," exclaimed Sir John Swinton, "why stand we here to be slain like deer, and marked down by the enemy? Where is our wonted courage? Are we to be still, and have our hands nailed to our lances? Follow me, and let us at least sell our lives as dearly as we can."[1]

Saying this, he couched his spear, and prepared to gallop down the hill; but his career was for a moment interrupted by a singular event. Sir Adam de Gordon, with whom Swinton had long been at deadly feud, threw himself from his horse, and kneeling at his feet, begged his forgiveness, and the honour of being knighted by so brave a leader. Swinton instantly consented; and, after giving him the accolade, tenderly embraced him. The two warriors then remounted, and at the head of their followers, forming a body of a hundred horse, made a desperate attack upon the English, which, had it been followed by a simultaneous charge of the great body of the Scots, might still have retrieved the fortune of the day. But such was now the confusion of the Scottish lines, that Swinton and Gordon were slain, and their men struck down or dispersed before the Earl of Douglas could advance to support them; and when he did so, the English archers, keeping their ranks, fell back upon the cavalry, pouring in volley after volley, as they slowly retreated, and completing the discomfiture of the Scots by an appalling carnage. If we may believe Walsingham, the armour worn by the Earl of Douglas on this fatal day was of the most exquisite workmanship and temper, and cost the artisan who made it three years' labour; yet he was wounded in five places, and made prisoner along with Lord Murdoch Stewart, and the Earls of Moray and Angus. In a short time the Scottish army was utterly routed; and the archers, to whom the whole honour of the day belonged, rushing in with their knives and short swords, made prisoners of almost every person of rank or station.

The number of the slain, however, was very great; and multitudes of the fugitives—it is said nearly fifteen hundred—were drowned in an attempt to ford the Tweed. Amongst those who fell, besides Swinton and Gordon, were Sir John Levingston of Callander, Sir Alexander Ramsay of Dalhousie, Sir Roger Gordon, Sir Walter Scott, and Sir Walter Sinclair, with many other knights and esquires, whose followers mostly perished with their masters. Besides the leaders, Douglas and Lord Murdoch, eighty knights were taken prisoners, and a crowd of esquires and pages, whose names and numbers are not ascertained. Among the first were three French knights, Sir Piers de Essars, Sir James de Helsey, and Sir John Darni;[2] Sir Robert Erskine of Alva, Lord Montgomery, Sir James Douglas, master of Dalkeith, Sir William Abernethy of Salton, Sir John Stewart of Lorn, Sir John Seton, Sir George Lesley of Rothes, Sir Adam Forester of Corstorphine, Sir Walter Bickerton of Luffness, Sir Robert Stewart of Durisdeer, Sir William Sinclair of Hermandston, Sir Alexander Home of Dunglas, Sir Patrick Dunbar of Bele, Sir Robert Logan of Restalrig, Sir Lawrence Ramsay, Sir Helias Kinmont, Sir John Ker, and Fergus Macdowall of Galloway, with many others whose names have not been ascertained.[3]

The fatal result of this day completely proved the dreadful power of the English bowmen; for there is not a doubt that the battle was gained by

[1] Fordun a Goodal, vol. ii. p. 434. Winton, vol. ii. p. 401.

[2] Walsingham, pp. 407, 408. Otterburn, pp. 236–8.

[3] Fordun a Goodal, vol. ii. pp. 434, 435

the archers. Walsingham even goes so far as to say that neither earl, knight, nor squire ever handled their weapons, or came into action, but remained idle spectators of the total destruction of the Scottish host; nor does there seem any good reason to question the correctness of this fact, although, after the Scots were broken, the English knights and horsemen joined in the pursuit. It was in every way a most decisive and bloody defeat, occasioned by the military incapacity of Douglas, whose pride was probably too great to take advice, and his judgment and experience in war too confined to render it unnecessary. Hotspur might now rejoice that the shame of Otterburn was effectually effaced; and March, if he could be so base as to enjoy the triumph, must have been amply satiated with revenge: for his rival, Douglas, was defeated, cruelly wounded, and a captive.[1]

The battle was fought on the day of the Exaltation of the Holy Cross, being the 14th September, in the year 1402; and the moment that the news of the defeat was carried to Westminster, the King of England directed his letters to the Earl of Northumberland, with his son Henry Percy, and also to the Earl of March, commanding them, for certain urgent causes, not to admit to ransom any of their Scottish prisoners, of whatever rank or station, or to suffer them to be at liberty under any parole or pretext, until they should receive further instructions upon the subject. To this order, which was highly displeasing to the pride of the Percies, as it went to deprive them of an acknowledged feudal right which belonged to the simplest esquire, the monarch subjoined his pious thanks to God for so signal a victory, and to his faithful barons for their bravery and success; but he commanded them to notify his orders regarding the prisoners to all who had fought at Homildon, concluding with an assurance that he had no intention of ultimately depriving any of his liege subjects of their undoubted rights in the persons and property of their prisoners; a declaration which would not be readily believed.[2] If Henry thus defeated the objects which the victory might have secured him by his precipitancy and imprudence, Hotspur stained it by an act of cruelty and injustice. Teviotdale, it may perhaps be remembered, after having remained in the partial possession of the English for a long period, under Edward the Third, had at last been entirely wrested from them by the bravery of the Douglases; and as the Percies had obtained large grants of land in this district, upon which many fierce contests had taken place, their final expulsion from the country they called their own was peculiarly irritating. It happened that amongst the prisoners was Sir William Stewart of Forrest, a knight of Teviotdale, who was a boy at the time the district "was Anglicised," and, like many others, had been compelled to embrace a virtual allegiance to England, by a necessity which he had neither the power nor the understanding to resist. On the miserable pretence that he had forfeited his allegiance, Hotspur accused him of treason, and had him tried by a jury; but the case was so palpably absurd and tyrannical, that he was acquitted. Percy, in great wrath, impannelled a second jury, and a second verdict of acquittal shewed their sense and firmness; but the fierce obstinacy of feudal revenge was not to be so baffled, and these were not the days when the laws could check its violence. A third jury was summoned, packed, and overawed, and their sentence condemned Sir William Stewart to the cruel and complicated death of a traitor. It was instantly executed; and his quarters, with those of his squire, Thomas Ker, who suffered along with him, were placed on the gates of York; the same gates upon which, within a year, were exposed the mangled remains of Percy himself.[3] The avidity with which Hotspur seems to have thirsted

[1] Fordun a Goodal, vol. ii. pp. 434, 435. Rymer, Fœdera, vol. ix. p. 26. Walsingham, p. 366. Extracta ex Chronicis Scotiæ, MS. p. 250.

[2] Rymer, Fœdera, vol. viii. p. 278.

[3] Winton, vol. ii. p. 403.

for the blood of this unhappy youth is only to be accounted for on the supposition of some deadly feud between the families; for on no other occasion did this celebrated soldier shew himself naturally cruel, or unnecessarily severe.[1]

The events which followed the defeat of the Scots at Homildon are of an interesting nature, and merit particular attention. Not long after the victory, the Percies began to organise that celebrated conspiracy against Henry the Fourth, the monarch whom their own hands had placed on the throne, which ended in the battle of Shrewsbury, and the defeat and death of Hotspur; but as the plot was yet in its infancy, an immediate invasion of Scotland was made the pretext for assembling an army, and disarming suspicion; whilst Percy, in conjunction with the Earl of March, talked boldly of reducing the whole of the country as far as the Scottish sea.[2] It is probable, indeed, that previous to this the defeat at Homildon had been followed by the temporary occupation of the immense Border estates of the Earl of Douglas by the Earl of Northumberland; as, in a grant of the earldom of Douglas, which was about this time made to Northumberland by the King of England, the districts of Eskdale, and Liddesdale, with the forest of Ettrick and the lordship of Selkirk, are noticed as being in the hands of the Percies; but so numerous were the vicissitudes of war in these Border districts, that it is difficult to ascertain who possessed them with precision;[3] and it is certain that the recovery of the country by the Scots was almost simultaneous with its occupation. In the meantime, the combined army of March and the Percies took its progress towards Scotland; and commenced the siege of the tower of Cocklaws, commanded by John Greenlaw, a simple esquire,[4] and situated on the Borders. The spectacle of a powerful army, commanded by the best soldier in England, proceeding to besiege a paltry march-tower, might have been sufficient to convince Henry that the real object of the Percies was not the invasion of Scotland; and their subsequent proceedings must have confirmed this opinion. Assaulted by the archers, and battered by the trebuchets and mangonels, the little tower of Cocklaws not only held its ground, but its master, assuming the air of the governor of a fortress, entered into a treaty with Hotspur, by which he promised to surrender at the end of six weeks, if not relieved by the King of Scotland, or Albany the governor.[5] A messenger was despatched to Scotland with the avowed purpose of communicating this agreement to Albany, but whose real design was evidently to induce him to become a party to the conspiracy against Henry, and to support the Percies, by an immediate invasion of England. Nor was the mission unsuccessful; for Albany, anxious to avenge the loss sustained at Homildon, and irritated by the captivity of his eldest son, at once consented to the proposal, and assembled a numerous army, with which he prepared to enter England in person.[6] In the meantime, the Earl of Douglas, Sir Robert Stewart of Durisdeer, and the greater part of the barons and men-at-arms, who were made prisoners at Homildon, eagerly entered into the conspiracy, and joined the insurgents with a large force; but the Earl of March continued faithful to the King of England, actuated more, perhaps, by his mortal enmity to the Douglases, than by any great affection for Henry. Another alarming branch of the rebellion was in Wales, where Owen Glendower had raised an army of ten thousand men; and besides this, many of the English barons had entered into a correspondence with Percy, and bound themselves to join him with their power, although

[1] Fordun a Hearne, pp. 1150, 1151.

[2] The Firth of Forth usually went by this name.

[3] Rotuli Scotiæ, vol. ii. p. 163.

[4] Ibid. vol. ii. p. 172. It appears by a MS. letter of the Earl of Northumberland, that on the 30th May he and his son had indentures for the delivery of *Ormiston* Castle on the 1st of August, if not delivered by battle. Pinkerton's History, vol. i. p. 77.

[5] Fordun a Goodal, vol. ii. pp. 435, 436.

[6] Ibid. vol. ii. p. 436.

at the last most deserted him, and thus escaped his ruin.

All things being thus prepared, Henry Percy and the Earl of Douglas at once broke off the prosecution of their Scottish expedition; and, having joined the Earl of Worcester, began their march towards Wales, giving out at first that it was their design to assist the king in putting down the rebel Glendower. Henry, however, was no longer to be deceived; and the representations of the Earl of March convinced him of the complicated dangers with which he was surrounded. It was his design to have delayed proceeding against the insurgents, until he had assembled such an overwhelming force as he thought gave a certainty of victory; but the Scottish earl vehemently opposed all procrastination, maintaining the extreme importance of giving battle to Percy before he had formed a junction with Glendower; and the king, following his advice, pushed on by forced marches, and entered Shrewsbury at the moment that the advance of Percy and Douglas could be seen marching forward to occupy the same city. On being anticipated by their opponent, they retired, and encamped at Hartfield, within a mile of the town. Henry immediately drew out his army by the east gate; and after a vain attempt at treaty, which was broken off by Percy's uncle, the Earl of Worcester, the banners advanced, cries of St George and Esperance, the mutual defiances of the king and Percy, rent the air; and the archers on both sides made a pitiful slaughter, even with the first discharge. As it continued, the ranks soon became encumbered with the dead, "who lay as thick," says Walsingham, "as leaves in autumn;" and the knights and men-at-arms getting impatient, Percy's advance, which was led by Douglas, and consisted principally of Scottish auxiliaries, made a desperate charge upon the king's party, and had almost broken their array, when it was restored by the extreme gallantry of Henry, and his son the Prince of Wales, afterwards Henry the Fifth. After this, the battle continued for three hours to be obstinately contested, English fighting against English, and Scots against Scots, with the utmost cruelty and determination. It could not indeed be otherwise. The two armies were fourteen thousand strong on each side, and included the flower not only of the English chivalry, but of the English yeomen. Hotspur and Douglas were reckoned two of the bravest knights then living, and if defeated, could hope for no mercy; whilst Henry felt that, on his part, the battle must decide whether he was to continue a king, or to have the diadem torn from his brow, and be branded as a usurper. At one time he was in imminent danger; for Hotspur and Douglas, during the heat of the battle, coming opposite to the royal standard, made a desperate attempt to become masters of the person of the king; and had so nearly succeeded, that the Scottish earl slew Sir Walter Blunt, the standard-bearer, struck down the Earl of Stafford, and had penetrated within a few yards of the spot where Henry stood, when the Earl of March rushed forward to his assistance, and prevailed on him not to hazard himself so far in advance. On another occasion, when unhorsed, he was rescued by the Prince of Wales, who this day gave promise of his future military genius; but with all his efforts, seconded by the most determined courage in his soldiers, the obstinate endurance of the Scots, and the unwearied gallantry and military skill of Hotspur were gradually gaining ground, when this brave leader, as he raised his visor for a moment to get air, was pierced through the brain by an arrow, and fell down dead on the spot. His fall, which was seen by both sides, seems to have at once turned the fortune of the day. The rebels were broken and dispersed, the Scots almost entirely cut to pieces, Sir Robert Steward slain, and the Earl of Douglas once more a captive, and severely wounded.[1]

In the meantime, whilst the rebellion of the Percies was thus successfully put down, Albany, the governor,

[1] Walsingham, pp. 368, 369.

assembled the whole strength of the kingdom; and, at the head of an army of fifty thousand men, advanced into England. His real object, as discovered by his subsequent conduct, was to second the insurrection of Hotspur; but, ignorant as yet that the rebellion had openly burst forth, he concealed his intention, and gave out to his soldiers that it was his intention to give battle to the Percies, and to raise the siege of Cocklaws.[1] On arriving before this little Border strength, instead of finding Hotspur, he was met by the news of his entire defeat and death in the battle of Shrewsbury; and, after ordering a herald to proclaim this to the army, he at once quietly retired into Scotland. Discouraged by the inactivity of the Welsh, by the death of Percy, the captivity of Douglas, and the submission of the Earl of Northumberland, Albany judiciously determined that this was not the most favourable crisis to attack the usurper, and for the present resumed a pacific line of policy. In their account of the rebellion of the Percies, and the expedition of Albany, our ancient Scottish historians exhibit a singular instance of credulity in describing the investing of the Border fortalice by Hotspur, and the subsequent progress of Albany to raise the siege, as really and honestly engaged in by both parties; and it is difficult not to smile at the importance which the tower of Cocklaws and its governor assume in their narrative.

If Albany's government seemed destined to be inglorious in war, his civil administration was weak and vacillating, disgraced by the impunity, if not by the encouragement, of feudal tyranny and unlicensed oppression. Of this a striking instance occurred a little prior to the rebellion of the Percies. Sir Malcolm Drummond, brother to the late Queen of Scotland, had married Isabella, countess of Mar in her own right, whose estates were amongst the richest in Scotland. When resident in his own castle, this baron was attacked by a band of armed ruffians, overpowered, and cast into a dungeon, where the barbarous treatment he experienced ended in his speedy death. The suspicion of this lawless act rested on Alexander Stewart, a natural son of the Earl of Buchan, brother to the king, who emulated the ferocity of his father, and became notorious for his wild and unlicensed life. This chief, soon after the death of Drummond, appeared before the strong castle of Kildrummie, the residence of the widowed countess, with an army of *ketherans*, stormed it in the face of every resistance, and, whether by persuasion or by violence is not certain, obtained her in marriage. To murder the husband, to marry the widow, and carry off the inheritance from her children, were deeds which, even under the misgovernment of Albany, excited the horror of the people, and called loudly for redress; but before this could be obtained, an extraordinary scene was acted at Kildrummie. Stewart presented himself at the outer gate of the castle, and there, in presence of the Bishop of Ross and the assembled tenantry and vassals, was met by the Countess of Mar, upon which, with much feudal pomp and solemnity, he surrendered the keys of the castle into her hands, declaring that he did so freely and with a good heart, to be disposed of as she pleased. The lady then, who seems to have forgotten the rugged nature of the courtship, holding the keys in her hands, declared that she freely chose Alexander Stewart for her lord and husband, and that she conferred on him the earldom of Mar, the castle of Kildrummie, and all other lands which she inherited. The whole proceedings were closed by solemn instruments or charters being taken on the spot; and this remarkable transaction, exhibiting in its commencement and termination so singular a mixture of the ferocity of feudal manners and the formality of feudal law, was legalised and confirmed by a charter of the king, which ratified the concession of the countess, and permitted Stewart to assume the titles of Earl of Mar, and Lord of Garvy-

[1] Fordun a Hearne, pp. 1158-1160.

ach.[1] Yet he who was murdered, to make way for this extraordinary intrusion of the son of Buchan, was the king's brother-in-law; and there seems to have been little doubt that the successful wooer and the assassin of Drummond were one and the same person. Nothing could give us a more striking proof of the pusillanimity of the sovereign, the weakness of the law, and the gross partialities of Albany.

The unquiet and suspicious times of Henry the Fourth, whose reign was marked by an almost uninterrupted succession of conspiracies, rendered it an object of great moment with him to keep at peace with Scotland; and it was evidently the interest of that kingdom to cultivate an amicable relation with England. Its present danger consisted not so much in any fears of invasion, or any serious attempts at conquest, as in the dread of civil commotion and domestic tyranny under the partial administration of Albany. The murder of the Duke of Rothesay, and the impunity permitted to the worst crimes committed by the nobles, clearly proved that the governor would feel no scruples in removing any further impediment which stood in the way of his ambition; and that he looked for indulgence from the favour with which he treated similar crimes and excesses in the barons who composed his court, and with whom he was ready to share the spoils or the honours which he had wrested from their legitimate possessors.

Under a government like this, the king became a mere shadow. Impelled by his natural disposition, which was pacific and contemplative, he had at first courted retirement, and willingly resigned much of the management of the state to his brother; and now that the murder of Rothesay had roused his paternal anxieties, that the murmurs of the people loudly accused this brother of so dreadful a crime, and branded him as the abettor of all the disorders which distracted the country, he felt, yet dreaded, the necessity of interference; and, while he trembled for the safety of his only remaining son, he found himself unequal to the task of instituting proper measures for his security, or of reassuming, in the midst of age and infirmities, those toils of government, to which, even in his younger years, he had experienced an aversion. But although the unfortunate monarch, thus surrounded with difficulties, found little help in his own energy or resources, friends were still left who pitied his condition, and felt a just indignation at the successful tyranny of the governor. Of these, the principal was Henry Wardlaw, bishop of St Andrews, a loyal and generous prelate, nephew to the Cardinal Wardlaw, and, like him, distinguished for his eminence as a scholar and his devotion to literature. To his charge was committed the heir of the throne, James, earl of Carrick, then a boy in his fourteenth year, who was educated in the castle of St Andrews, under the immediate eye of the prelate, in the learning and accomplishments befitting his high rank and already promising abilities.

In the meantime, the captivity of so many of the nobles and gentry, who had been recently taken at Nesbit Moor, and in the battles of Homildon Hill and Shrewsbury, had a manifest effect in quieting Scotland, encouraging its pacific relations, and increasing its commercial enterprise. The years which succeeded these fatal conflicts were occupied with numerous expeditions of the Scottish captives, who, under the safe-conducts of Henry, travelled into their own country, and returned either with money, or with cargoes of wool, fish, or live stock, with which they discharged their ransom and procured their liberty.[2] The negotiations, also, concerning the ransom of Murdoch, the son of Albany, the Earl of Douglas, and other eminent prisoners, promoted a constant intercourse; whilst the poverty of Scotland, in its agricultural produce, is seen in the circumstance that any English

[1] Sutherland Case, by Lord Hailes, chap. v. p. 43. Winton, vol. ii. p. 404.

[2] Rotuli Scotiæ, vol. ii. pp. 164, 166, 167, 172, 173, 177.

captives are generally redeemed in grain, and not in money. Some Norfolk fishermen, who had probably been pursuing their occupation upon the Scottish coast, having been captured and imprisoned, Henry permitted two mariners of Lynne to carry six hundred quarters of grain into Scotland for their redemption; and at the same time granted a licence to an Irish merchant to import corn, flour, and other victuals and merchandise into that country, during the continuance of the truce.[1] Upon the whole, the commercial intercourse between the two countries appears to have been prosecuted with great activity, although interrupted at sea by the lawless attacks of the English cruisers,[2] and checked by the depredations of the Borderers and broken men of both nations.

One cause, however, for jealousy and dissatisfaction upon the part of Henry still remained, in the perpetual reports which proceeded from Scotland, with regard to Richard the Second being still alive in that country, where, it was said, he continued to be treated with kindness and distinction. That these assertions as to the reappearance of the dethroned monarch long after his reputed death had some foundation in truth, there seems reason to believe;[3] but, whether true or not, it was no unwise policy in Albany to abstain from giving any public contradiction to the rumour, and at times even to encourage it, as in this manner he essentially weakened the government of Henry; and, by affording him full employment at home, rendered it difficult for him to engage in any schemes for the annoyance of his neighbours.

In 1404, a gentleman named Serle, who had formerly been of Richard's bed-chamber, repaired secretly to Scotland, and on his return positively affirmed that he had seen the king. The old Countess of Oxford, mother to Robert de Vere, duke of Ireland, the favourite of Richard, eagerly gave credit to the story; and, by the production of letters, and the present of little silver harts, the gifts which the late king had been fond of distributing amongst his favourites, she had already contrived to persuade many persons to credit the report, when her practices were discovered, and the execution and confession of Serle put an end to the rumour for the present. It was asserted that Serle had actually been introduced, when in Scotland, to a person whom he declared to bear so exact a resemblance to Richard the Second that it was not astonishing many should be deceived by it; and it was evident that if Albany had not lent himself in any open manner to encourage, he had not, on the other hand, adopted any means to expose or detect the alleged impostor.[4]

But this plot of Serle and the Countess of Oxford was followed by a conspiracy of greater moment, in which Scotland was deeply concerned, yet whose ramifications, owing to the extreme care with which all written evidence, in such circumstances, was generally concealed or destroyed, were extremely difficult to be detected. Its principal authors appear to have been the Earl of Northumberland, the father of Hotspur, Scrope, the archbishop of York, whose brother Henry had beheaded, and the Earl Marshal of England, with the Lords Hastings, Bardolf, and Faulconbridge; but it is certain that they received the cordial concurrence of some party in the Scottish state, as Northumberland engaged to meet them at the general rendezvous at York, not only with his own followers, but with a large reinforcement of Scottish soldiers, and it was calculated that they would be able to take the field with an army of twenty thousand men.[5] Besides this, they had engaged in a correspondence with the French king, who promised to

[1] Rotuli Scotiæ, vol. ii. p. 172.

[2] Fœdera, vol. viii. pp. 411, 420, 450; and MS. Bibl. Cot. F. vii. No. 22, 89, 116-118, quoted in M'Pherson's Annals of Commerce, vol. i. p. 615.

[3] See Historical Remarks on the Death of Richard the Second, infra.

[4] Walsingham, p. 371.

[5] Hall's Chronicle, p. 35. Edition 1809. London, 4to. Hardyng's Chronicle, p. 362. Edition 1812. London, 4to.

despatch an expedition, which, at the moment they took up arms in England, was to make a descent on Wales, where Owen Glendower, the fierce and indefatigable opponent of Henry, had promised to join them; and this formidable opposition was to be further strengthened by a simultaneous invasion of the Scots.

Northumberland's intentions in this conspiracy are very clearly declared in an intercepted letter which he addressed to the Duke of Orleans, and which is preserved in the Parliamentary Rolls. "I have embraced," says he, "a firm purpose, with the assistance of God, with your aid, and that of my allies, to sustain the just quarrel of my sovereign lord King Richard, if he is alive; and if he is dead, to avenge his death; and, moreover, to sustain the right and quarrel which my redoubted lady the Queen of England, your niece, may have to the kingdom of England; for which purpose I have declared war against Henry of Lancaster, at present Regent of England."[1]

A rebellion so ably planned that it seemed almost impossible that it should not succeed and hurl Henry from the throne, was ruined by the credulity of the Earl Marshal and the Archbishop, who became the victims of an adherent of the king's, Neville, Earl of Westmoreland. This nobleman, who had received intelligence of the plot, artfully represented himself as warmly interested in its success; and having prevailed upon Scrope and Mowbray to meet him in a private conference, seized them both as they sat at his table and hurried them to the king at Pontefract, by whose orders they were instantly beheaded. Northumberland, however, with his little grandson, Henry Percy, and the Lord Bardolf, had the good fortune to escape into Scotland, where they were courteously received by Albany.

In this country, notwithstanding his advanced age and frequent failures, Percy continued to organise an opposition to the government of Henry; visiting for this purpose the court of France and the Flemish States, and returning to stimulate the exertions of his Scottish friends. Although unsuccessful in his continental negotiations, it is evident from the orders issued by Henry for the immediate array of the fighting men in the counties of York and Lancaster, as well as in Derby, Lincoln, and Nottingham, that Albany had been induced to assemble an army, and that the king had received intelligence of an intended invasion by the Scots, to be led, as the king expresses it, "by his common adversary, Robert, duke of Albany, the pretended governor of Scotland."[2] Previous, however, to any such expedition, an event took place which effectually altered the relations between the governor and the English monarch, and introduced material changes into the state of the different parties in Scotland.

The continuance of his own power, and the adoption of every means by which the authority of the king, or the respect and affection due to the royal family, could be weakened or destroyed, was the principle of Albany's government: a principle which, although sometimes artfully concealed, was never for a moment forgotten by this crafty statesman. In his designs he had been all along supported by the Douglases; a family whom he attached to his interest by an ample share in the spoils with which his lawless government enabled him to gratify his creatures. Archibald, earl of Douglas, the head of the house, we have seen become his partner in the murder of the Duke of Rothesay, and rewarded by the possession of the immense estates of the Earl of March,—a baron next to Douglas,—the most powerful of the Scottish aristocracy, but compelled by the affront put upon his daughter to become a fugitive in England, and a dependant upon the bounty of a foreign prince.

The battle of Homildon Hill made Douglas a captive; whilst many of his most powerful adherents shared his fate: and Albany, deprived of the

[1] Rolls of Parliament, vol. iii. p. 605. The original is in French.

[2] Rymer, Fœdera, vol. viii. p. 414.

countenance of his steadiest supporters, found the friends of the old king gradually gaining ground. A natural jealousy of the designs of the governor against a youth who formed the only impediment between his own family and the succession to the crown, induced these persons to adopt measures for the security of the Earl of Carrick, now an only son. It was with this view that they had placed him under the charge of the Bishop of St Andrews, a man of uncorrupted honour and integrity; and, whilst the studies of the young prince were carefully conducted by this prelate, whose devotion to literature well fitted him for the task, the presence of the warlike Earl of Northumberland, who with his grandson, young Henry Percy, had found an asylum in the castle of the bishop, was of great service to the young prince in his chivalrous exercises. It was soon seen, however, that, with all these advantages, Scotland was then no fit place for the residence of the youthful heir to the throne. The intrigues of Albany, and the unsettled state of the country, filled the bosom of the timid monarch with constant alarm. He became anxious to remove him for a season from Scotland; and, as France was at this time considered the best school in Europe for the education of a youth of his high rank, it was resolved to send the prince thither, under the care of the Earl of Orkney,[1] and Sir David Fleming of Cumbernauld, an intimate friend and adherent of the exiled Earl of Northumberland.

At this crisis a secret negotiation took place between the English monarch and the Duke of Albany regarding the delivery of Northumberland and Lord Bardolf; and it appears that the party of the governor and the Douglases had embraced the treacherous plan of sacrificing the lives of two unfortunate exiles who had found an asylum in Scotland, to procure in return the liberty of Murdoch, the son of the governor, the Earl of Douglas, and other captives who had been taken at Homildon. A baser project could not well be imagined; but it was accidentally discovered by Percy's friend, David Fleming, who instantly revealed it to the exiled noblemen, and advised them to consult their safety by flight.

This conduct of Albany, which afforded a new light into the treachery of his character, accelerated the preparations for the young prince's departure; and all being at length ready, the Earl of Carrick, then a boy in his fourteenth year, took his progress through Lothian to North Berwick, accompanied by the Earl of Orkney, Fleming of Cumbernauld, the Lords of Dirleton and Hermandston, and a strong party of the barons of Lothian. The ship which was to convey him to France lay at the Bass; and having embarked along with the Earl of Orkney and a small personal suite, they set sail with a fair wind, and under no apprehension for their safety, as the truce between England and Scotland was not yet expired, and the only vessels they were likely to meet were English cruisers. But the result shewed how little was to be trusted to the faith of truces or to the honour of kings; for the prince had not been a few days at sea when he was captured off Flamborough Head by an armed merchantman belonging to the port of Wye, and carried to London, where the king instantly committed him and his attendants to the Tower.[2]

In vain did the guardians of the young prince remonstrate against this cruelty, or present to Henry a letter from the king his father, which, with much simplicity, recommended him to the kindness of the English monarch, should he find it necessary to land in his dominions. In vain did they represent that the mission to France was perfectly pacific, and its only object the education of the prince at the French court. Henry merely answered by a poor witticism, declaring that he himself knew the French language indifferently well, and that his father could not have sent him to a better master.[3] So flagrant a breach

[1] Rymer, Fœdera, vol. viii. p. 415.

[2] Walsingham, p. 375. Winton, vol. ii. pp. 415, 416.

[3] Walsingham, p. 375. Extracta ex Chronicis Scotiæ, p. 253.

of the law of nations as the seizure and imprisonment of the heir-apparent during the time of truce, would have called for the most violent remonstrances from any government except that of Albany. But to this usurper of the supreme power, the capture of the prince was the most grateful event which could have happened; and to detain him in captivity became, from this moment, one of the principal objects of his future life; we are not to wonder, then, that the conduct of Henry not only drew forth no indignation from the governor, but was not even followed by any request that the prince should be restored to liberty.

Whilst Albany's satisfaction was great at this unfortunate event, his indignation, and that of the Douglases, at the conduct of Sir David Fleming, in attempting to convey the heir-apparent to a place of safety, and in facilitating the escape of Northumberland, was proportionably fierce and unforgiving; nor was it quenched until they had taken a bloody revenge. At the moor of Lang-Hermandston, the party which had accompanied the prince to North Berwick were attacked by James Douglas of Abercorn, second son of the Earl of Douglas, and Alexander Seton, where, after a fierce conflict, Fleming was slain, and the most of the barons who accompanied him made prisoners. A procession which passed next day through Edinburgh, conveying to Holyrood the body of this noble knight, who was celebrated for his courage, tenderness, and fidelity, excited much commiseration; but the populace did not dare to rise against the Douglases, and Albany openly protected them. Those bitter feelings of wrath and desires of revenge, which so cruel an attack excited, now broke out into interminable feuds and jealousies, and, ramifying throughout the whole line of the vassals of these two powerful families, continued for many years to agitate the minds of the people, and disturb the tranquillity of the country.[1]

The aged king, already worn out by infirmity, and now broken by disappointment and sorrow, did not long survive the captivity of his son. It is said the melancholy news was brought him as he was sitting down to supper in his palace of Rothesay in Bute; and that the effect was such upon his affectionate but feeble spirit, that he drooped from that day forward, refused all sustenance, and died soon after of a broken heart. His death took place on the 4th of April 1406, in the sixteenth year of his reign; and Albany, his brother, immediately succeeded to the prize which had so long been the paramount object of his ambition, by becoming the unfettered governor of Scotland. The character of this monarch requires little additional development. It was of that sweet, pacific, and indolent nature, which unfitted him to subdue the pride, or overawe and control the fierce passions and resentments of his barons; and although the generosity and affectionate feelings of his heart inclined him on every occasion to be the friend of the poorer classes of his subjects, yet energy and courage were wanting to make these good wishes effectual; and it might almost be said, that in the dread of making any one his enemy, he made no one his friend. All the virtues of domestic life he possessed in a high degree; but these, as well as his devotion to intellectual accomplishments, were thrown away upon the rude times in which he lived. His wisdom, which was far before his age, saw clearly that the greatest blessing which could be conferred upon the country was peace; but it required firmness, and almost violence, to carry these convictions into the active management of the government, and these were qualities which Robert could not command. Had he been born in the rank of a subject, he would have been among the best and wisest men in his dominions; but as a king, his timidity and irresolution rendered all his virtues of none avail, and permitted the government to fall into the hands of a usurper, who systematically abused his power for the purposes of his own aggrandisement.

[1] Winton, vol. ii. p. 413. Fordun a Goodal, vol. ii. p. 439. Extracta ex Chronicis Scotiæ, p. 153.

In person, Robert was tall, and of a princely presence; his countenance was somewhat florid, but pleasing and animated; whilst a beard of great length, and silvery whiteness, flowed down his breast, and gave a look of sanctity to his appearance. Humility, a deep conviction of the vanity of human grandeur, and aspirations for the happiness of a better world, were sentiments which he is said to have deeply felt, and frequently expressed; and nothing could prevail on him, in the custom of the age, and after the example of his father and grandfather, to provide a monument for himself. It is said that his queen, Annabella, remonstrated with him on this occasion, when he rebuked her for speaking like one of the foolish women. "You consider not," said he, "how little it becomes a wretched worm, and the vilest of sinners, to erect a proud tomb for his miserable remains: let them who delight in the honours of this world so employ themselves. As for me, cheerfully would I be buried in the meanest shed on earth, could I thus secure rest to my soul in the day of the Lord."[1] He was interred, however, in the Abbey church of Paisley, before the high altar.

It has hitherto been believed by our Scottish historians, that there were born to him only two sons, David, duke of Rothesay, and James, earl of Carrick, who succeeded him in the throne. It is certain, however, that the king had a third son, Robert, who probably died very young, but whose existence is proved by a record of unquestionable authority.[2]

Upon the king's death, the three estates of the realm assembled in parliament at Perth; and, having first made a solemn declaration that James, earl of Carrick, then a captive in England, was their lawful king, and that the crown belonged of undoubted right to the heirs of his body, the Duke of Albany, being the next in succession, was chosen Regent;[3] and it was determined to send an embassy to the French court, for the purpose of renewing the league of mutual defence and alliance which had so long subsisted between the two countries. For this purpose, Sir Walter Stewart of Ralston, Lawder, archdeacon of Lothian, along with two esquires, John Gil and John de Leth, were selected to negotiate with France; and their mission, as was to be expected from the exasperated feelings which were common to both countries with regard to their adversary of England, was completely successful. Charles the Sixth, king of France, Louis his brother, duke of Anjou, and the Duke of Berry, by three separate deeds, each acting in his own name, ratified and confirmed the treaties formerly entered into between their country and the late King of Scotland; and assured the Duke of Albany, then regent of that kingdom, of their resolution to maintain the same firm and inviolate in all time to come.[4]

With regard to England, Albany now earnestly desired the continuance of peace; and it was fortunate that the principles which influenced his government, although selfish, and calculated for the preservation of his own power, proved at this moment the best for the interests of the country; whilst the English king, in the possession of the young heir to the throne, and master, also, of the persons of the chief nobility who had remained in captivity since the battle of Homildon Hill, was able to assume a decided tone in his negotiations, and exerted an influence over the governor which he had not formerly enjoyed. A short time previous to the king's death, negotiations had been renewed for the continuance of the truce, and for the return of the Earl of Douglas to Scotland. The high value placed upon this potent baron, and the power of weakening Scotland which the English king possessed at this time, may

1 Fordun a Goodal, vol. ii. p. 440.

2 Chamberlain Accounts, vol. ii. p. 231. "Et Dno David Comiti de Carrick percipienti pro se et heredibus suis de corpore suo legitime procreandis, quibus forte deficientibus, Roberto seneschallo fratri ipsius, et heredibus suis."

3 Winton, vol. ii. p. 418.

4 Records of the Parliament of Scotland, pp. 137, 138.

be estimated from the circumstance that he would not permit his return until thirteen hostages, selected from the first families in the country, had repaired to Westminster and delivered themselves to the king.[1] It was one happy effect of the power and wealth which the capture of many noble prisoners necessarily conferred on those to whom they surrendered, that it softened the atrocities of war and diminished the effusion of blood. The only impediments to the continuance of peace arose out of the piracies of English cruisers and armed merchantmen, which, on the slightest provocation, were ready to make prize of any vessel they met—French, Flemish, Genoese, or Scottish; and it is a singular circumstance that, at this early period, we find the English ships beginning to insist on their superior right to the dominion of the seas, which they afterwards so proudly maintained. In 1402, a formal complaint was presented to Henry the Fourth by the magistrates of Bruges, which stated that two fishermen, one belonging to Ostend and the other to Briel, when engaged in the herring fishery of the North Sea, had been captured by the English and carried into Hull, although they lowered their sails the moment they were hailed.[2]

On the other hand, the Scots were not slow to make reprisals; although their power at sea, which we have seen so formidable during the reigns of Edward the Second and Third, appears to have experienced a sensible diminution. In 1404, the fishery on the coast of Aberdeenshire—a source of considerable wealth—had been invaded by the English: a small fleet of Scottish ships was immediately fitted out by Sir Robert Logan, who attacked and attempted to destroy some English vessels; but his force was insufficient, his ships were taken, and he himself carried prisoner into the port of Lynne in Norfolk.[3] Stewart, earl of Mar, with whose singular courtship and marriage we are already acquainted, after amusing his taste for adventures in foreign war,[4] leading the life of a knight-errant, and dividing his time between real fighting and the recreations of tilts and tournaments, became latterly a pirate, and with a small squadron infested the coast between Berwick and Newcastle, destroying or making prizes of the English vessels.

These hostile invasions, which appear to have been mutually committed on each other by the English and the Scottish merchantmen, were not openly countenanced by either government. No regular maritime laws for the protection of trade and commerce had as yet been practically established in Europe; the vessels which traded from one country to another, were the property not of the nation, but of individuals, who, if their own gain or interest interfered, did not consider themselves bound by treaties or truces; and when a ship of greater strength met a small merchantman richly laden, and incapable of resistance, the temptation to make themselves master of her cargo was generally too strong to be resisted.[5] Henry, however, shewed himself willing to redress the grievances suffered by the Scottish merchants, as well as to put an end to the frequent infractions of the truce which were committed by the Borderers of both nations; and the perpetual grants of letters of safe-conduct to natives of Scotland travelling through England on purposes of devotion, commerce, or pleasure, and eager to shew their prowess in deeds of arms, or to seek for distinction in continental war, evinced a sincere anxiety to keep up an amicable relation between the two countries, and to pave the way for a lasting peace.[6]

The return to their country of the

1 Rotuli Scotiæ, vol. ii. p. 177.

2 Rymer, Fœdera, vol. viii. p. 274, "quanquam ad primam vocem ipsorum Anglicorum idem Johannes Willes, velum suum declinavit." M'Pherson's Annals of Commerce, vol. i. p. 612.

3 Walsingham, p. 364.

4 Juvenal des Ursins, Histoire de Charles VI. p. 196.

5 Rymer, Fœdera, vol. viii. pp. 203, 420.

6 Rotuli Scotiæ, pp. 176–180. Rymer, vol. viii. pp. 416, 430, 445, 450.

two most powerful barons in the state, —the Earls of Douglas and of March, —with the "stanching of that mortal feud which had long continued between them," was another event that promised the best effects. The immense estates of March, which during his exile had been occupied by Douglas, were restored to him, with the exception of the lordship of Annandale and the castle of Lochmaben. These were retained by Douglas; and, in addition to the thirteen noble persons who were compelled to remain in England as hostages for his return, Henry extorted from him a ransom of a thousand marks before he consented to his departure.[1] Amongst the hostages were Archibald Douglas, eldest son of the earl, and James, his son; James, the son and heir of James Douglas, lord of Dalkeith; Sir William Douglas of Niddesdale, Sir John Seton, Sir Simon Glendinning, Sir John Montgomery, Sir John Stewart of Lorn, Sir William Graham, Sir William Sinclair of Hermandston, and others of the first rank and consequence.[2] The residence of these persons in England, and the care which Henry bestowed upon the education of their youthful monarch, who, though still retained in captivity, was provided with the best masters, treated with uniform kindness, and waited on with the honours due to his rank, contributed to increase the amicable intercourse between the two countries, and to give to both a short and happy interval of peace.

It was in the midst of this pacific period that the doctrines of Wickliff for the first time appeared in Scotland; and the flames of war had scarcely ceased, when the more dreadful flames of religious persecution were kindled in the country. John Resby, an English priest of the school of this great reformer, in whose remarkable works are to be found the seeds of almost every doctrine of Luther, had passed into Scotland, either in consequence of the persecutions of Wickliff's followers, which arose after his death, or from a desire to propagate the truth. After having for some time remained unnoticed, the boldness and the novelty of his opinions at length awakened the jealousy of the church; and it was asserted that he preached the most dangerous heresies. He was immediately seized by Laurence of Lindores, an eminent doctor in theology, and compelled to appear before a council of the clergy, where this inquisitor presided. Here he was accused of maintaining no fewer than forty heresies, amongst which the principal were, a denial of the authority of the pope as the successor of St Peter; a contemptuous opinion of the utility of penances and auricular confession; and an assertion that an absolutely sinless life was necessary in any one who dared to call himself the Vicar of Christ.[3]

Although Resby was esteemed an admirable preacher by the common people, his eloquence, as may easily be supposed, had little effect upon the bench of ecclesiastical judges before whom he defended himself. Laurence of Lindores was equally triumphant in his confutation of the written conclusions, and in his answers to the spoken arguments by which their author attempted to support them; and the brave but unfortunate inquirer after the truth was barbarously condemned to the flames, and delivered over to the secular arm. The cruel sentence was carried into immediate execution; and he was burnt at Perth in the year 1407, his books and writings being consumed in the same fire with their master. It is probable that the church was stimulated to this unjustifiable severity by Albany, the governor, whose bitter hatred to all Lollards and heretics, and zeal for the purity of the Catholic faith, are particularly recorded by Winton.[4]

And here, in the first example of persecution for religious opinions which is recorded in our history, the inevitable effects of such a course were

[1] Rotuli Scotiæ, vol. ii. pp. 182, 184. Harl. MS. 331. f. 212, quoted in Pinkerton's History, vol. i. p. 87. Fordun a Goodal, vol. ii. p. 444.

[2] Rotuli Scotiæ, vol. ii. pp. 181, 182.

[3] Fordun a Goodal, vol. ii. pp. 442, 443.

[4] Winton's Chronicle, vol. ii. p. 419.

clearly discernible in the increased zeal and affection which were evinced for the opinions which had been sealed by the blood of the preacher. The conclusions and little pamphlets of this early reformer were carefully concealed and preserved by his disciples; and any who had imbibed his opinions evinced a resolution and courage in maintaining them, which resisted every attempt to restore them to the bosom of the church. They did not dare, indeed, to disseminate them openly, but they met, and read, and debated in secret; and the doctrines which had been propagated by Resby remained secretly cherished in the hearts of his disciples, and reappeared after a few years in additional strength, and with a spirit of more active and determined proselytism.[1] It is not improbable, also, that amongst Resby's forty heretical conclusions were included some of those doctrines regarding the origin and foundation of the power of the civil magistrate and the rights of the people, which, being peculiar to the Lollards, were regarded with extreme jealousy by the higher orders in the state; and Albany's persecution of the heretics may have proceeded as much upon civil as on religious grounds.

Since the fatal battle of Durham, the castle of Jedburgh had been kept by the English. In its masonry, it was one of the strongest built fortresses in Scotland; and its garrison, by their perpetual attacks and plundering expeditions, had given great annoyance to the adjacent country. The moment the truce expired, the Teviotdale Borderers recommenced the war by reducing this castle; but on attempting to destroy the fortifications, it was found that such was the induration and tenacity of the mortar, that the whole walls and towers seemed one mass of solid stone; and that the expense of razing and levelling the works would be great. In a parliament held at Perth, a proposal was made to raise the sum required by a general tax of two pennies upon every hearth in the kingdom. But this the governor opposed, observing, that during the whole course of his administration, no such tax ever had been, or ever should be, levied; and that they who countenanced such an abuse merited the maledictions of the poor. He concluded by giving orders that the sum required should be paid to the lords marchers out of the royal customs—a liberality which was much extolled, and gained him high credit with the people.[2]

In the following year, a violent remonstrance was addressed by the English monarch to the Duke of Albany, complaining of the delay of the Earl of Douglas to fulfil his knightly word, by which he had solemnly engaged to return to his captivity; and threatening to use his hostages according to the laws of war, and to pursue the earl himself as a perjured rebel, if within a month he did not re-enter his person in ward. Douglas had, in truth, delayed his return to England a year beyond the stipulated period; and as the castle of Jedburgh was situated within his territories, it was naturally supposed by Henry that he had not been over scrupulous in observing the strict conditions of amity, and adherence to the "party of the King of England," to which he had set his hand and seal before regaining his liberty. Matters, however, were amicably composed between the offended monarch and his prisoner; and Douglas, having permanently purchased his liberty by the payment of a high ransom, once more returned to assume his wonted authority in the councils of the country.[3]

For some time after the reduction of Jedburgh, the war presented few features of interest or importance Fast castle, a strength considered impregnable from its peculiar situation, had been occupied, during the convulsions of the times, by an English adventurer named Holder, who, combining the avocations of a freebooter on shore and a pirate at sea, became the terror of the country round his

[1] Fordun a Goodal, vol. ii. p. 442. Appendix to Dr M'Crie's Life of Melville, vol. i. p. 418.

[2] Fordun a Goodal, vol. ii. p. 444.

[3] Rymer. Fœdera, vol. viii. p. 478.

retreat. For such purposes the castle was admirably adapted. It was built upon a high rock overhanging the German ocean, so rugged and precipitous that all attack on that side was impossible; and it communicated with the adjoining country by a narrow neck of land, defended by a barbican, where a handful of resolute men could have defied an army. Notwithstanding these difficulties, Patrick Dunbar, son of the Earl of March, made himself master of the castle, and delivered the country from the depredations of its ferocious lord; but the particulars of the enterprise are unfortunately lost, and we only know that it was distinguished by the utmost address and courage.[1]

About the same time, Gawin Dunbar, March's second son, and Archibald Douglas of Drumlanrig, attacked and gave to the flames the town of Roxburgh, then in possession of the English; but these partial successes were more than counterbalanced by the losses sustained by the Scots. Sir Robert Umfraville, vice-admiral of England, with a squadron of ten ships of war, broke into the Forth, ravaged the country on both sides, and collected an immense booty, after which he swept the seas with his fleet, and made prizes of fourteen Scottish merchantmen. At the time of Umfraville's invasion, there happened to be a grievous dearth of grain in England, and the quantity of corn which he carried off from Scotland so materially reduced the prices of provisions, that it procured him the popular surname of Robin Mendmarket. On another occasion, the same experienced leader, who had charge of the military education of Gilbert Umfraville, titular Earl of Angus, determined to hold a military array in honour of his youthful pupil, who had just completed his fourteenth year. His banner, accordingly, was raised for the first time amidst the shouts of his vassals; and the festivities were concluded by a Border "raid," in which Jedburgh was sacked during its public fair, and reduced to ashes.

But the attention of the country was soon after this diverted from such brief and insulated hostilities to an event of a more serious and formidable nature, which shook the security of the government, and threatened to dismember a portion of the kingdom. This was the rebellion of Donald, lord of the Isles, of which the origin and the effects merit particular consideration. The ancient line of barons, which for a long period of years had succeeded to the earldom of Ross, ended at length in a female, Euphemia Ross, married to Sir Walter Lesley. Of this marriage there were two children: Alexander, afterwards Earl of Ross, and Margaret, married to Donald, lord of the Isles. Alexander, earl of Ross, married a daughter of the Duke of Albany, and had by her an only daughter, Euphemia, countess of Ross, who became a nun, and resigned the earldom of Ross in favour of her uncle, John, earl of Buchan. This destination of the property, the Lord of the Isles steadily and haughtily resisted He contended, that by Euphemia taking the veil, she became civilly dead; and that the earldom of Ross belonged lawfully to him in right of Margaret, his wife.[2] His plea was at once repelled by the governor; and this noble territory, which included the Isle of Skye and a district in the mainland equal in extent to a little kingdom, was declared to be the property of the Earl of Buchan. But the island prince, who had the pride and the power of an independent monarch, derided the award of Albany, and, collecting an army of ten thousand men, prepared not only to seize the disputed county, but determined to carry havoc and destruction into the heart of Scotland. Nor, in the midst of these ferocious designs, did he want somewhat of a statesmanlike policy, for he engaged in repeated alliances with England; and, as the naval force which he commanded was superior to any Scottish fleet which could be brought against him, his co-operation with the English in their attacks upon

[1] Fordun a Goodal, vol. ii. p. 444. "Non minus subtiliter quam viriliter."

[2] Sutherland Case, by Lord Hailes, chap. v. § 7.

the Scottish commerce was likely to produce very serious effects.[1]

When his preparations were completed, he at once broke in upon the earldom at the head of his fierce multitudes, who were armed after the fashion of their country, with swords fitted both to cut and thrust, pole-axes, bows and arrows, short knives, and round bucklers formed of wood, or strong hide, with bosses of brass or iron. The people of the country readily submitted to him; to have attempted opposition, indeed, was impossible; and these northern districts had for many centuries been more accustomed to pay their allegiance to the Norwegian yarls, or pirate kings, whose power was at their door, than to acknowledge the remote superiority of the Scottish crown. At Dingwall, however, he was encountered by a formidable opponent in Angus Dhu, or Black Angus, who attacked him with great fierceness, but was overpowered and made prisoner, after his brother, Roderic Gald, and the greater part of his men had been cut to pieces.

The Lord of the Isles then ordered a general rendezvous of his army at Inverness, and sent his summons to levy all the fighting men in Boyne and Enzie, who were compelled to follow his banner, and to join the soldiers from the Isles; with this united force, consisting of the best levies in the islands and the north, he swept through Moray, meeting with none, or the most feeble resistance; whilst his soldiers covered the land like locusts, and the plunder of money, arms, and provisions, daily gave them new spirits and energy. Strathbogie was next invaded; and the extensive district of Garvyach, which belonged to his rival, the Earl of Mar, was delivered up to cruel and indiscriminate havoc. It had been the boast of the invader that he would burn the rich burgh of Aberdeen, and make a desert of the country to the shores of the Tay; and as the smoke of his camp-fires was already seen on the banks of the Don, the unhappy burghers began to tremble in their booths, and to anticipate the realisation of these dreadful menaces.[2] But their spirits soon rose when the Earl of Mar, whose reputation as a military leader was of the highest order, appeared at the head of an army composed of the bravest knights and gentlemen in Angus and the Mearns, and declared his resolution of instantly advancing against the invader. Mar had the advantage of having been bred up in the midst of Highland war, and at first distinguished himself, as we have seen, by his predatory expeditions at the head of the Highlanders. But his marriage with the Countess of Mar, and his reception at court, appear to have effectually changed his character: the savage habits of his early life were softened down, and left behind them a talent for war, and an ambition for renown, which restlessly sought for employment wherever there was a chance of gaining distinction. When on the continent, he had offered his services to the Duke of Burgundy; and the victory at Liege was mainly ascribed to his skill and courage, so that his reputation abroad was as distinguished as at home. In a short time he found himself at the head of the whole power of Mar and Garvyach, in addition to that of Angus and the Mearns; Sir Alexander Ogilvy, sheriff of Angus; Sir James Scrymgeour, constable of Dundee, and hereditary standard-bearer of Scotland; Sir Alexander Irvine, Sir Robert Melville, Sir William de Abernethy, nephew to Albany, and many other barons and esquires, with their feudal services, joined him with displayed banner; and Sir Robert Davidson, the provost of Aberdeen, and a troop of the stoutest burgesses, came forward to defend their hearths and their stalls from the ravages of the Lord of the Isles.

Mar immediately advanced from Aberdeen, and, marching by Inverury, came in sight of the Highlanders at the village of Harlaw, on the water of Ury, not far from its junction with the Don. He found that his little army was immensely outnumbered—

[1] Rymer, Fœdera, vol. viii. pp. 418, 527.

[2] Fordun a Goodal, vol. ii. p. 445.

it is said, by nearly ten to one; but it consisted of the bravest barons in these parts; and his experience had taught him to consider a single knight in steel as a fair match against a whole troop of *ketherans*. Without delay, therefore, he intrusted the leading of the advance to the Constable of Dundee and Ogilvy, the sheriff of Angus, who had with them a small but compact battalion of men-at-arms; whilst he himself followed with the rearward, composed of the main strength of his army, including the Irvings, the Maules, the Morays, the Straitons, the Lesleys, the Stirlings, the Lovels, headed by their chiefs, and with their banners and penoncelles waving amid their grove of spears. Of the Islesmen and Highlanders, the principal leaders were the Lord of the Isles himself, with Macintosh and Maclean, the heads of their respective septs, and innumerable other chiefs and chieftains, animated by the old and deep-rooted hostility between the Celtic and Saxon race.[1]

The shock between two such armies may be easily imagined to have been dreadful: the Highlanders, who were ten thousand strong, rushing on with the fierce shouts and yells which it was their custom to raise in coming into battle, and the knights meeting them with levelled spears and ponderous maces and battle-axes. In his first onset, Scrymgeour and the men-at-arms who fought under him with little difficulty drove back the mass of Islesmen, and, cutting his way through their thick columns, made a cruel slaughter. But though hundreds fell around him, thousands poured in to supply their place, more fierce and fresh than their predecessors; whilst Mar, who had penetrated with his main army into the very heart of the enemy, found himself in the same difficulties, becoming every moment more tired with slaughter, more encumbered with the numbers of the slain, and less able to resist the increasing and reckless ferocity of the masses that still yelled and fought around him. It was impossible that this should continue much longer without making a fatal impression on the Scots; and the effects of fatigue were soon seen. The Constable of Dundee was slain; and the Highlanders, encouraged by his fall, wielded their broadswords and Lochaber axes with murderous effect; seizing and stabbing the horses, and pulling down their riders, whom they despatched with their short daggers. In this way were slain some of the best soldiers of these northern districts. Sir Robert Davidson, with the greater part of the burgesses who fought around him, were amongst the number; and many of the families lost not only their chief, but every male in the house. Lesley of Balquhain, a baron of ancient lineage, is said to have fallen with six of his sons slain beside him. The Sheriff of Angus, with his eldest son George Ogilvy, Sir Alexander Irvine of Drum,[2] Sir Robert Maule, Sir Thomas Moray, William Abernethy, Alexander Straiton of Lauriston, James Lovel, Alexander Stirling, and above five hundred men-at-arms, including the principal gentry of Buchan, shared their fate;[3] whilst Mar himself, and a small number of the survivors, still continued the battle till nightfall. The slaughter then ceased; and it was found in the morning that the island lord had retreated by Inverury and the hill of Bennachie, checked and broken certainly by the desperate contest, but neither conquered nor very effectually repulsed. Mar, on the contrary, although he passed the night on the field, did so, not in the triumphant assertion of victory, but from the

[1] In one of the Macfarlane MSS. preserved in the Advocates' Library, entitled, "A Geographical Description of Scotland," (vol. i. pp. 7, 20,) will be found a minute description of the locality of this battle. See Illustrations, A.

[2] There is a tradition in the family of Irvine of Drum, that the Laird of Maclean was slain by Sir Alexander Irvine. Genealogical Collections, MS. Adv. Library, Jac. V. 4, 16. vol. i. p. 180. Irvine was buried on the field, where in ancient times a cairn marked the place of his interment, which was long known by the name of Drum's Cairn. Kennedy's Annals of Aberdeen, vol. i. p. 51.

[3] Fordun a Hearne, pp. 1175, 1176. Extracta ex Chronicis Scotiæ, MS. fol. 257.

effects of wounds and exhaustion: the best and bravest of his friends were stretched around him; and he found himself totally unable to pursue the retreat of the islesmen. Amongst those of the Highlanders who fell were the chiefs of Maclean and Macintosh, with upwards of nine hundred men: a small loss compared with that sustained by the Lowlanders. The battle was fought on St James's Eve, the 24th of July; and from the ferocity with which it was contested, and the dismal spectacle of civil war and bloodshed exhibited to the country, it appears to have made a deep impression on the national mind. It fixed itself in the music and the poetry of Scotland. A march, called the Battle of Harlaw, continued to be a popular air down to the time of Drummond of Hawthornden; and a spirited ballad on the same event is still repeated in our own age, describing the meeting of the armies and the deaths of the chiefs in no ignoble strain.[1] Soon after the battle a council-general was held by the governor, in which a statute was passed in favour of the heirs of those who had died in defence of the country, exempting them from the feudal fines usually exacted before they entered upon possession of their estates, and permitting them, although minors, immediately to serve heirs to their lands. It will, perhaps, be recollected that Bruce, on the eve of the battle of Bannockburn, encouraged his troops by a promise of the like nature.[2]

It was naturally suspected by Albany that the chief of the Isles, who was crippled rather than conquered, had only fallen back to refresh his men and procure reinforcements from Ross-shire and the Hebrides; and as the result of the battle had shewn that, however inferior in arms or in discipline, the Highlanders could make up for these disadvantages in numbers and ferocity, a renewal of the invasion was anticipated with alarm, and Albany determined to prevent it by an unwonted display of military spirit and activity. He collected an army in the autumn; marched in person to Dingwall, one of the principal castles of the ancient Earls of Ross, situated at the west end of the Cromarty Firth; and having made himself master of it, appointed a governor, and proceeded to repossess himself of the whole county of Ross. Donald, however, fell back upon his island strengths, and during the winter defied his enemies; but as soon as the summer permitted the resumption of hostilities, Albany again attacked him; and, after a war conducted with various success, the island king was compelled to lay down his assumed independence, and give up all claim to the earldom of Ross; to consent to become a vassal of the Scottish crown, and to deliver hostages for his future good behaviour. The treaty was concluded at Polgilbe, or Polgillip, now Loch Gilp, an arm of the sea running into the district of Knapdale, in Argyle.[3] This successful termination of a rebellion which appeared so formidable in its commencement was followed by a truce with England, in which it was declared that, from the river Spey in Scotland to the mount of St Michael in Cornwall, all hostilities between the two countries should cease after the 17th of May 1412, for the period of six years.[4]

Albany now became impatient for the return of his eldest son, who had remained a captive in England since the battle of Homildon Hill. As he felt the approach of age, he was desirous of making a quiet transfer of his power in the government into the hands of his own family, and various negotiations regarding the hostages to be delivered for Murdoch, and the ransom which was claimed, had already taken

[1] Battle of Harlaw. Laing's Early Metrical Tales, p. 229.

[2] History, supra, vol. i. p. 118. The fact mentioned in the text is proved by a Retour in the Cartulary of Aberdeen, fol. 121, in favour of Andrew de Tulidef, whose father, William de Tulidef, was slain at Harlaw. It was pointed out to me by my friend Mr Thomson, Deputy Clerk-Register, to whom this volume is under repeated obligations. See Illustrations, letter B.

[3] Fordun a Hearne, p. 1177. Macpherson's Geographical Illustrations, voce Polgylbe.

[4] Rymer, Fœdera, vol. viii. p. 737.

place, but without success; whilst the total indifference evinced by the governor to the prolonged captivity of the sovereign clearly shewed that if age had impaired his strength, it had in no degree awakened his remorse or stifled his ambition. It was evident that he intended his son to succeed him in the high authority which he had so long usurped; and Sir Walter Stewart of Ralston and John de Leith were engaged in a final treaty for the return of the future governor, when their proceedings were suddenly interrupted by the death of Henry the Fourth, and the accession of a new sovereign to the English throne.[1]

The uncertain tenure by which the crown had been held by Henry the Fourth, and his consequent anxiety to ward off all foreign attack, when his attention was required in suppressing conspiracy at home, had contributed greatly to preserve the peace with Scotland; and under his successor, Henry the Fifth, the great designs of this youthful conqueror against France, and his subsequent invasion of that kingdom, rendered it as materially his interest as it had been that of his predecessor to maintain pacific relations with that country. In this view the possession of the King of Scotland, and the eldest son of the Regent, gave him a hold over the politics of the country, which he employed with great skill and effect in weakening the enmity and neutralising the hostile schemes of those parties which were opposed to his wishes, and inclined to renew the war.

But it is necessary here for a moment to interrupt the narrative in order to fix our attention upon a spectacle which, amid the gloomy pictures of foreign or domestic war, offers a refreshing and pleasing resting-place to the mind. This was the establishment of the University of St Andrews by Henry Wardlaw, the bishop of that see, to whom belongs the unfading honour of being the founder of the first university in Scotland, the father of the infant literature of his country.

[1] Rymer, Fœdera, vol. viii. pp. 708, 735, 775.

Before this time the generosity of the Lady Devorguilla, the wife of John Baliol, had established Baliol College in Oxford, in the end of the thirteenth century; and we have seen the munificence of a Scottish prelate, the Bishop of Moray, distinguishing itself by the institution of the Scottish College of Paris, in 1326; but it was reserved for the enlightened spirit of Wardlaw to render unnecessary the emigration of our Scottish youth to these and other foreign seminaries, by opening the wells of learning at home, and, in addition to the various schools which were connected with the monasteries, by conferring upon his country the distinction of a university, protected by Papal sanction, and devoted to the cultivation of what were then esteemed the higher branches of science and philosophy. The names of the first professors in this early institution have been preserved. The fourth book of the Sentences of Peter Lombard was explained by Laurence of Lindores, a venerable master in theology, whose zeal for the purity of the Catholic faith had lately been displayed in the condemnation of John Resby the Wickliffite at Perth. The importance then attached to an education in the canon law was shewn by its being taught and expounded by four different masters, who conducted their pupils from its simplest elements to its most profound reasonings. These were Richard Cornel, archdeacon of Lothian, John Litstar, canon of St Andrews, John Shevez, official of St Andrews, and William Stevens, afterwards Bishop of Dumblane; whilst in philosophy and logic the lectures were delivered by John Gill, William Fowlis, and William Crosier. These learned persons commenced their prelections in 1410, immediately after the Feast of Pentecost, and continued their labours for two years and a half. But although a communication with Rome had taken place, the establishment was yet unsanctioned by that authority, without which all such institutions were then considered imperfect.[2]

At length, on the 3d of February

[2] Fordun a Goodal, vol. ii. pp. 445, 446.

1413, Henry Ogilvy, master of arts, made his entry into the city, bearing the Papal bulls, which endowed the infant seminary with the high and important privileges of a university; and his arrival was welcomed by the ringing of bells from the steeples, and the tumultuous joy of all classes of the inhabitants. On the following day, being Sunday, a solemn convocation of the clergy was held in the refectory, and the Papal bulls having been read in presence of the bishop, the chancellor of the university, they proceeded in procession to the high altar, where *Te Deum* was sung by the whole assembly—the bishops, priors, and other dignitaries being arrayed in their richest canonicals, whilst four hundred clerks, besides novices and lay brothers, prostrated themselves before the altar, and an immense multitude of spectators bent their knees in gratitude and adoration. High mass was then celebrated, and when the service was concluded the remainder of the day was devoted to mirth and festivity. In the evening bonfires in the streets, peals of bells, and musical instruments, processions of the clergy, and joyful assemblies of the people, indulging in the song, the dance, and the wine-cup, succeeded to the graver ceremonies of the morning; and the event was welcomed by a boisterous enthusiasm more befitting the brilliant triumphs of war than the quiet and noiseless conquests of science and philosophy.

The first act of Henry the Fifth which affected Scotland seemed to indicate an extremity of suspicion, or a promptitude of hostility, which were equally alarming. His father died on the 20th of March, and on the succeeding day the king issued orders that James, king of Scotland, and Murdoch, earl of Fife, should be committed to the Tower.[1] It would appear, however, by the result that this was more a measure of customary precaution, enforced upon all prisoners upon the death of the sovereign to whom their parole had been given, than of any individual hostility. It was believed that the prisoners might avail themselves of a notion that during the interval between the death of one king and the accession of another they were not bound by their parole, but free to escape; and this idea is confirmed by the circumstance of their being liberated from the Tower within a short time after their commitment.

Henry's great designs in France rendered it, as we have already remarked, absolutely necessary for him to preserve his pacific relations with Scotland; and, under a wise and patriotic governor, the interval of rest which his reign afforded to that country might have been improved to the furtherance of its best interests. But Albany, had he even been willing, did not dare to employ in this manner the breathing time allowed him. As a usurper of the supreme power, he was conscious that he continued to hold it only by the sufferance of the nobles; and in return for their support it became necessary for him to become blind to their excesses, and to pass over their repeated delinquencies. Dilapidation of the lands and revenues of the crown, invasions of the rights of private property, frequent murders arising from the habit of becoming the avengers of their own quarrel, and a reckless sacrifice of the persons and liberties of the lower classes in the community, were crimes of perpetual recurrence, which not only escaped with impunity, but whose authors were often the very dignitaries to whom the prosecution and the punishment belonged; whilst the conduct of the governor himself, in his unremitting efforts for the aggrandisement of his own family, increased the evil by the weight of his example, and the pledge which it seemed to furnish that no change for the better would be speedily attempted.

During the few remaining years of Albany's administration, two objects are seen to be constantly kept in view —the restoration of his son, Murdoch Stewart, and the retention of his sovereign, James the First, in captivity; and in both his intrigues were successful. It was impossible for him, indeed, so effectually to keep down the hereditary animosity between the two

[1] Fœdera, vol. ix. p. 2.

nations as to prevent it from breaking forth in Border inroads and insulated acts of hostility, but a constant succession of short truces, and a determination to discourage every measure which might have the effect of again plunging the country into war, succeeded in conciliating the English king, and rendering him willing to agree to the return of his son to Scotland. In consequence of this, an exchange was negotiated; young Henry Percy, the son of the illustrious Hotspur, who since the rebellion and death of his grandfather, the Earl of Northumberland, had remained in Scotland, returned to England, and was reinstated in his honours, whilst Murdoch Stewart was finally liberated from his captivity, and restored to the desires rather of his father than of his country. It was soon, however, discovered that his character was of that unambitious and feeble kind which unfitted him for the purposes which had made his return so anxiously expected by the governor.

In his attempts to accomplish his second object, that of detaining his sovereign a prisoner in England, Albany experienced more serious difficulties. James's character had now begun to develop those great qualities which during his future reign so highly distinguished him. The constant intercourse with the court of Henry the Fourth which was permitted to Scottish subjects had enabled many of his nobility to become acquainted with their youthful sovereign; these persons he found means to attach to his interest, and upon their return they employed their utmost efforts to traverse the designs of Albany. Owing to their influence, a negotiation for his return to his dominions took place in 1416, by the terms of which the royal captive was to be permitted to remain for a certain time in Scotland, upon his leaving in the hands of the English king a sufficient number of hostages to secure the payment of a hundred thousand marks in the event of his not delivering himself within the stipulated period.[1] To the Bishop of Durham, and the Earls of Northumberland and Westmoreland, was intrusted the task of receiving the oaths of the Scottish king and his hostages, whilst the treaty had been so far successful that letters of safe-conduct were granted to the Bishops of St Andrews and Glasgow, the Earls of Crawford, Douglas, and Mar, Murdoch Stewart, Albany's eldest son, and John, his brother, earl of Buchan, to whom the final adjustment was to be committed. But, from what cause cannot now be discovered, the treaty, when on the eve of being concluded, mysteriously broke off. Whether it was owing to the intrigues of the governor, or the jealousy of Scottish influence in the affairs of France, Henry became suddenly cool, and interrupted the negotiation, so that the unfortunate prince saw himself at one moment on the eve of regaining his liberty, and being restored to the kingdom which was his rightful inheritance, and the next remanded back to his captivity, and condemned to the misery of that protracted hope which sickens the heart. Are we to wonder that his resentment against the man whose base and selfish intrigues he well knew to be the cause of the failure of the negotiation should have assumed a strength and a violence which, at a future period, involved not only himself but his whole race in utter ruin?

In the meantime, however, the power of the state was fixed too firmly in the hands of Albany for the friends of the young king to defeat his schemes; and as the governor began to suspect that a continuance of peace encouraged intrigues for the restoration of James and his own deposition, he determined as soon as the last short truce had expired not only to invade England, but to send over an auxiliary force to the assistance of France. The object of all this was apparent—a war gave immediate employment to the restless spirits of the nobility, it at once interrupted their intercourse with their captive sovereign, it necessarily incensed the English monarch, put an end to that kind and conciliatory spirit with which he had conducted his cor-

[1] Rymer, Fœdera, vol. ix. pp. 341. 417.

respondence with that country, and rendered it almost certain that he would retain the royal captive in his hands.

The baseness of Albany in pursuing this line of policy cannot be too severely condemned. If ever there was a period in which Scotland could have enjoyed peace with security and with advantage, it was the present. The principles upon which Henry the Fifth acted with regard to that country were those of perfect honour and good faith. All those ideas of conquest, so long and so fondly cherished by the English kings since the days of Edward the First, had been renounced, and the integrity and independence of the kingdom completely acknowledged. In this respect, the reigns of Edward the Third and Henry the Fifth offer as striking a contrast in the conduct pursued by these two monarchs towards Scotland as they present a brilliant parallel in their ambitious attacks upon France. The grasping and gigantic ambition of Edward the Third was determined to achieve the conquest of both countries, and it must be allowed that he pursued his object with great political ability; but his failure in this scheme, and the unsuccessful result of the last invasion by Henry the Fourth, appear to have convinced his warlike son that two such mighty designs were incompatible, and that one of the first steps towards ultimate success in his French war must be the complete restoration of amity with Scotland.

It was now, therefore, in the power of that country to enjoy a permanent peace, established on the basis of independence. The King of England was ready to deliver to her a youthful sovereign of great talents and energy, who, although a captive, had been educated at his father's court with a liberality which had opened to him every avenue to knowledge; and, under such a reign, what might not have been anticipated, in the revival of good order, the due execution of the laws, the progress of commerce and manufactures, the softening the harshness and tyranny of the feudal aristocracy, and the gradual amelioration of the middle and lower classes of the community? Yet Albany hesitated not to sacrifice all this fair prospect of national felicity to his individual ambition; and once more plunged the country into war, for the single purpose of detaining his sovereign in captivity, and transferring the power which he had so long usurped into the hands of his son. For a while he succeeded; but he little anticipated the dreadful reckoning to which those who now shared his guilt and his triumph were so soon to be called.

His talents for war, however, were of a very inferior description. An expedition which he had meditated against England in a former year, in which it was commonly reported that he was to besiege Berwick at the head of an army of sixty thousand men, and that the cannon and warlike machines to be employed in the enterprise had already been shipped on board the fleet, concluded in nothing, for neither army nor artillery ever appeared before Berwick.[1] Nor was his second invasion much more successful. He laid siege indeed to Roxburgh, and the miners had commenced their operations, when news was brought to his camp that the Duke of Bedford, to whom Henry, during his absence in France, had intrusted the protection of the Borders, was advancing, by rapid marches, at the head of an army of forty thousand men. Albany had foolishly imagined that the whole disposable force of England was then in France with the king; but, on discovering his mistake, he precipitately abandoned the siege; and, without having achieved anything in the least degree correspondent to his great preparations, retreated into Scotland. The invasion, from its inglorious progress and termination, was long remembered in the country by the contemptuous appellation of "The Foul Raid."[2]

[1] Walsingham, p. 399. Fordun a Goodal, vol. ii. p. 449.

[2] Rymer, Fœdera, vol. ix. p. 307. A.D. 1415.

But if the war was carried on in this feeble manner by Albany, the English cannot be accused of any such inglorious inactivity. On the contrary, Henry had left behind him, as guardians of the marches, some of his bravest and most experienced leaders; and amongst these, Sir Robert Umfraville, governor of Berwick, eager to emulate the exploits of his countrymen in France, invaded Scotland by the east marches, and committed dreadful havoc and devastation. The whole country was reduced into one wide field of desolation, and the rich Border towns of Hawick, Selkirk, Jedburgh, Lauder, Dunbar, with the numerous villages, hamlets, and granges of Teviotdale and Liddesdale, were burnt to the ground; whilst the solitary success upon the part of Scotland seems to have been the storming of Wark castle by William Haliburton, which, however, was soon afterwards retaken by Sir Robert Ogle, and the whole of the Scottish garrison put to the sword.[1]

It was not long after this that the Dauphin despatched the Duke of Vendome on an embassy to the Scottish court. Its object was to request assistance against the English; and a parliament having been immediately assembled, it was determined by the governor to send into France a large auxiliary force, under the conduct of his second son, Sir John Stewart, Earl of Buchan, and the Earl of Wigtown. The vessels for the transport of these troops were to be furnished by France; and the King of Castile, with the Infanta of Arragon, who were in alliance with the Scots, had promised to fit out forty ships for the emergency. Alarmed at a resolution which might produce so serious a diversion in favour of his enemies, Henry instantly despatched his letters to his brother the Duke of Bedford, on whom, during his absence in France, he had devolved the government, directing him to seize and press into his service, in the various seaports where they could be found, a sufficient number of ships and galleons, to be armed and victualled with all possible despatch, for the purpose of intercepting the Scottish auxiliaries; but the command was either disregarded, or came too late, for an army of seven thousand troops, amongst whom were the flower of the Scottish nobles, were safely landed in France, and were destined to distinguish themselves in a signal manner in their operations against the English.[2]

For a year, however, they lay inactive, and during this period important changes took place in Scotland. Albany the governor, at the advanced age of eighty, died at the palace of Stirling, on the 3d of September 1419. If we include the period of his management of the state under his father and brother, he may be said to have governed Scotland for thirty-four years; but his actual regency, from the death of Robert the Third to his own decease, did not exceed fourteen years.[3] So effectually had he secured the interest of the nobility, that his son succeeded, without opposition, to the power which his father had so ably and artfully consolidated. No meeting of the parliament, or of any council of the nobility, appears to have taken place; and the silent assumption of the authority and name of governor by Duke Murdoch, during the continued captivity of the king, was nothing else than a bold act of treason.[4] It was soon apparent, however, that the dangerous elevation was rather thrust upon him by his party than chosen by himself; and that he possessed neither the talents nor the inclination to carry on that system of usurpation of which his father had raised the superstructure, and no doubt flattered himself that he had secured the foundations. Within four years, under the weak, gentle, and vacillating administration of Murdoch, it

[1] Fordun a Goodal, vol. ii. p. 458. Hardyng's Chronicle, p. 382.

[2] Extracta ex Chronicis Scotiæ, MS. p. 262. See Illustrations, C.

[3] Fordun a Goodal, vol. ii. p. 466. Extracta ex Chronicis Scotiæ, p. 263, MS.

[4] In Macfarlane's Genealogical Collections, MS. vol. i. p. 3, is a precept of sasine by Duke Murdoch to the Laird of Balfour, in which he styles himself "Regni Scotiæ Gubernator."

crumbled away, and gave place to a state of rude and unlicensed anarchy. The nobility, although caressed and flattered by Albany, who, in his desire to attain popularity, had divided amongst them the spoils of the crown lands, and permitted an unsafe increase of individual power, had yet been partially kept within the limits of authority; and if the laws were not conscientiously administered, they were not openly outraged. But under the son all became, within a short time, one scene of rude, unlicensed anarchy; and it was evident that, to save the country from ruin, some change must speedily take place. In the meantime, Henry the Fifth, alarmed at the success of the strong auxiliary force which the Earls of Buchan and Wigtown had conducted to France, insisted upon his royal captive, James the First, accompanying him in his expedition to renew the war in that country, having first entered into an engagement with that prince, by which he promised to permit him to revisit his dominions for a stipulated period, and under the condition of his delivering into the hands of England a sufficient number of hostages for his return.[1]

Archibald, earl of Douglas, the most powerful noble in Scotland, appears at this time to have deeply interested himself in the return of James to his dominions. He engaged to assist Henry in his French war with a body of two hundred knights and squires, and two hundred mounted archers; and that prince probably expected that the Scottish auxiliaries would be induced to detach themselves from the service of the Dauphin, rather than engage in hostilities with their rightful sovereign. According to the English historians, the Scottish king, when requested by Henry to command his subjects on their allegiance to leave the service of France, replied, that so long as he remained a prisoner, it neither became him to issue, nor them to obey, such an order. But he added, that to win renown as a private knight, and to be instructed in the art of war under so great a captain, was an opportunity he willingly embraced. Of the particulars of his life at this period no account remains, but there is ample evidence that he was in constant communication with Scotland. His private chaplain, William de Mirton, Alexander de Seton, lord of Gordon, William Fowlis, secretary to the Earl of Douglas, and in all probability many others, were engaged in secret missions, which informed him of the state of parties in his dominions, of the weak administration of Murdoch, the unlicensed anarchy which prevailed, and the earnest wishes of all good men for the return of their sovereign.[2]

It was at this crisis that Henry the Fifth closed his heroic career, happier than Edward the Third in his being spared the mortification of outliving those brilliant conquests, which in the progress of years were destined to be as effectually torn from the hand of England. The Duke of Bedford, who succeeded to the government of France, and the Duke of Gloucester, who assumed the office of Regent in England during the minority of Henry the Sixth, appear to have been animated with favourable dispositions towards the Scottish king; and within a few months after the accession of the infant sovereign, a negotiation took place, in which Alexander Seton, lord of Gordon, Thomas de Mirton, the chaplain of the Scottish monarch, Sir John Forester, Sir Walter Ogilvy, John de Leith, and William Fowlis, had a meeting with the privy council of England upon the subject of the king's return to his dominions.[3] It was determined that on the 12th of May 1423, James should be permitted to meet at Pontefract with the Scottish ambassadors, who should be empowered to enter into a negotiation upon this subject with the ambassadors of the King of England; and such a conference having accordingly taken place, the final treaty was concluded at London between the Bishop of Glasgow, chancellor of Scotland, the Abbot of Balmerinoch,

[1] Rymer Fœdera, vol. x. pp. 19, 125.

[2] Rymer, Fœdera, vol. x. pp. 166, 227. Ibid. pp. 174, 296.

[3] Ibid. vol. x. p. 266.

George Borthwick, archdeacon of Glasgow, and Patrick Howston, licentiate in the laws, ambassadors appointed by the Scottish governor;[1] and the Bishop of Worcester and Stafford, the treasurer of England, William Alnwick, keeper of the privy seal, the Lord Cromwell, Sir John Pelham, Robert Waterton, Esq., and John Stokes, doctor of laws, commissaries appointed by the English regency.

It will be recollected that James had been seized by the English during the time of truce, and to have insisted on a ransom for a prince, who by the law of nations was not properly a captive, would have been gross injustice. The English commissioners accordingly declared that they should only demand the payment of the expenses of the King of Scotland which had been incurred during the long period of his residence in England; and these they fixed at the sum of forty thousand pounds of good and lawful money of England, to be paid in yearly sums of ten thousand marks, till the whole was discharged. It was determined that the king should not only promise, upon his royal word and oath, to defray this sum, but that certain hostages from the noblest families in the country should be delivered into the hands of the English king, to remain in England at their own expense, till the whole sum was paid; and that, for further security, a separate obligation should be given by the four principal towns of Edinburgh, Perth, Dundee, and Aberdeen,[2] by which they promised to defray the sum to the English treasury, in the event of its not being paid by their own sovereign.

In addition to this, the ambassadors of both countries were empowered to treat of a marriage between the Scottish king and some English lady of noble birth; and as James, during his captivity, had fallen in love with the daughter of the Earl of Somerset, a lady of royal descent by both parents, and of great beauty and accomplishments, this part of their negotiation was without difficulty concluded. Johanna Beaufort had already given her heart to the royal captive; and the marriage was concluded with the customary feudal pomp in the church of St Mary Overy, in Southwark,[3] after which the feast was held in the palace of her uncle, the famous Cardinal Beaufort, a man of vast wealth and equal ambition.[4] Next day, James received as the dower of his wife a relaxation from the payment of ten thousand marks of the original sum which had been agreed on.[5] A truce of seven years was concluded; and, accompanied by his queen and a brilliant cortege of the English nobility, to whom he had endeared himself by his graceful manners and deportment, he set out for his own dominions. At Durham, he was met by the Earls of Lennox, Wigtown, Moray, Crawford, March, Orkney, Angus, and Strathern, with the Constable and Marshal of Scotland, and a train of the highest barons and gentry of his dominions, amounting altogether to about three hundred persons; from whom a band of twenty-eight hostages were selected, comprehending some of the most noble and opulent persons in the country. In the schedule containing their names, the annual rent of their estates is also set down, which renders it a document of much interest, as illustrating the wealth and comparative influence of the Scottish aristocracy.[6]

From Durham, James, still surrounded by his nobles, and attended by the Earl of Northumberland, the sheriff of that county, and an escort under Sir Robert Umfraville, Sir William Heron, and Sir Robert Ogle, proceeded in his joyful progress, and halted, on reaching the Abbey of Melrose, for the purpose of fulfilling the obligation which bound him to confirm the treaty by his royal oath, upon

[1] Rymer, Fœdera, vol. x. p. 298. The commission by the governor is dated Inverkeithing, August 19, 1423.
[2] Ibid. vol. x. p. 303.
[3] Rymer, Fœdera, vol. x. pp. 321, 323.
[4] Gough's Sepulchral Monuments, vol. ii. p. 127, plate 41, p. 148. Dugdale's Baronage, vol. ii. p. 122.
[5] Rymer, Fœdera, vol. x. p. 323, dated 12th Feb. 1424.
[6] Ibid. vol. x. pp. 307, 309. See Illustrations, D.

the Holy Gospels, within four days after his entry into his own dominions.[1]

He was received by all classes of his subjects with expressions of tumultuous joy and undissembled affection; and the regent hastened to resign the government into the hands of a prince who was in every way worthy of the crown.

CHAPTER II.

JAMES THE FIRST.

1424—1437.

IN James the First Scotland was at length destined to receive a sovereign of no common character and endowments. We have seen that when a boy of fourteen he was seized by the English, and from that time till his return in 1424, twenty years of his life, embracing the period of all others the most important and decisive in the formation of future character, had been passed in captivity. If unjust in his detention, Henry the Fourth appears to have been anxious to compensate for his infringement of the law of nations by the care which he bestowed upon the education of the youthful monarch. He was instructed in all the warlike exercises, and in the high-bred observances and polished manners of the school of chivalry; he was generously provided with masters in the various arts and sciences; and as it was the era of the revival of learning in England, the age especially of the rise of poetic literature in Chaucer and Gower, his mind and imagination became deeply infected with a passion for those elegant pursuits. But James, during his long captivity, enjoyed far higher advantages. He was able to study the arts of government, to make his observations on the mode of administering justice in England, and to extract wisdom and experience from a personal acquaintance with the disputes between the sovereign and his nobility; whilst in the friendship and confidence with which he appears to have been uniformly treated by Henry the Fifth, who made him the partner of his campaigns in France, he became acquainted with the politics of both countries, received his education in the art of war from one of the greatest captains whom it has produced; and, from his not being personally engaged, had leisure to avail himself to the utmost of the opportunities which his peculiar situation presented. There were other changes also which were then gradually beginning to manifest themselves in the political condition of the two countries, which, to his acute and discerning mind, must necessarily have presented a subject of thought and speculation—I mean the repeated risings of the commons against the intolerable tyranny of the feudal nobility, and the increased wealth and consequence of the middle classes of the state; events which, in the moral history of those times, are of deep interest and importance, and of which the future monarch of Scotland was a personal observer. The school, therefore, in which James was educated seems to have been eminently qualified to produce a wise and excellent king; and the history of his reign corroborates this observation.

On entering his kingdom, James

[1] Rymer, Fœdera, vol. x. pp. 333, 343. Dated April 5, 1425.

proceeded to Edinburgh, where he held the festival of Easter; and on the twenty-first of May he and his queen were solemnly crowned in the Abbey Church of Scone. According to an ancient hereditary right, the king was placed in the royal seat by the late governor, Murdoch, duke of Albany and earl of Fife, whilst Henry Wardlaw, bishop of St Andrews, the same faithful prelate to whom the charge of his early education had been committed, anointed his royal master, and placed the crown upon his head, amid a crowded assembly of the nobility and clergy, and the shouts and rejoicings of the people. The king then proceeded to bestow the honour of knighthood upon Alexander Stewart, the younger son of the Duke of Albany; upon the Earls of March, Angus, and Crawford; William Hay of Errol, constable of Scotland, John Scrymgeour, constable of Dundee, Alexander Seton of Gordon, and eighteen others of the principal nobility and barons;[1] after which he convoked his parliament on the 26th of May, and proceeded to the arduous task of inquiring into the abuses of the government, and adopting measures for their reformation.

Hitherto James had been but imperfectly informed regarding the extent to which the government of Albany and his feeble successor had promoted, or permitted, the grossest injustice and the most unlicensed peculation. He had probably suspected that the picture had been exaggerated; and with that deliberate policy which constituted a striking part of his character, he resolved to conduct his investigations in person, before he gave the slightest hint of his ultimate intentions. It is said, indeed, that when he first entered the kingdom, the dreadful description given by one of his nobles of the unbridled licentiousness and contempt of the laws which everywhere prevailed threw him for a moment off his guard. "Let God but grant me life," cried he, with a loud voice, "and there shall not be a spot in my dominions where the key shall not keep the castle, and the furze-bush the cow, though I myself should lead the life of a dog to accomplish it!"[2] This, however, was probably spoken in confidence, for the object of the king was to inform himself of the exact condition of his dominions without exciting alarm, or raising a suspicion, which might foster opposition and induce concealment. The very persons who sat in this parliament, and through whose assistance the investigation must be conducted, were themselves the worst defaulters; an imprudent word escaping him, and much more a sudden imprisonment or a hasty, perhaps an unsuccessful, attempt at impeachment, would have been the signal for the nobles to fly to their estates and shut themselves up in their feudal castles, where they could have defied every effort of the king to apprehend them; and in this way all his plans might have been defeated or indefinitely protracted, and the country plunged into something approaching to a civil war.

The three estates of the realm having been assembled, certain persons were elected for the determination of the "Articles" to be proposed to them by the king, leave of returning home being given to the other members of the parliament. Committees of parliament had already been introduced by David the Second, on the ground of general convenience, and the anxiety of the barons and landholders to be present on their estates during the time of harvest.[3] From this period to the present time, embracing an interval of more than half a century, the destruction of the records of the parliaments of Robert the Second and Third, and of the government of Albany and his son, renders it impossible to trace the progress of this important change, by which we now find the Lords of the Articles "*certe persone ad articulos*," an acknowledged institution, in the room of the parliamentary committees of David the

[1] Extracta ex Chronicis Scotiæ, MS. fol. 269, 270. Fordun a Goodal, vol. ii. p. 474.

[2] Fordun a Goodal, vol. ii. p. 511.

[3] Acts of the Parliament of Scotland, sub anno 1424, History, supra, vol. i. p. 263.

Second; but it is probable that the king availed himself of this privilege to form a small body of the nobility, clergy and burgesses, of whose fidelity he was secure, and who lent him their assistance in the difficult task upon which he now engaged.

The parliament opened with an enactment commanding all men to honour the Church, declaring that its ministers should enjoy, in all things, their ancient freedom and established privileges, and that no person should dare to hinder the clergy from granting leases of their lands or tithes, under the spiritual censures commonly incurred by such prevention. A proclamation followed, directed against the prevalence of private war and feuds amongst the nobility, enjoining the king's subjects to maintain thenceforward a firm peace throughout the realm, and discharging all barons, under the highest pains of the law, from "moving or making war against each other; from riding through the country with a more numerous following of horse than properly belonged to their estate, or for which, in their progress, due payment was not made to the king's lieges and hostellars. All such riders or gangars," upon complaint being made, were to be apprehended by the officers of the lands where the trespass had been committed, and kept in sure custody till the king declared his pleasure regarding them; and, in order to the due execution of this and other enactments, it was ordained that officers and ministers of the laws should be appointed generally throughout the realm, whose personal estate must be of wealth and sufficiency enough to be proceeded against, in the event of malversation, and from whose vigour and ability the "commons of the land" should be certain of receiving justice.[1]

The penalty of rebellion or treason against the king's person was declared to be the forfeiture of life, lands, and goods, whilst all friends or supporters of rebels were to be punished according to the pleasure of the sovereign. The enactments which followed regarding those troops of sturdy mendicants who traversed the country, extorting charity where it was not speedily bestowed, present us with some curious illustrations of the manners of the times. The king commanded that no companies of such loose and unlicensed persons should be permitted to beg or insist on quarters from any husbandman or Churchman, sojourning in the abbeys or on the farm granges, and devouring the wealth of the country. An exception was made in favour of "royal beggars," with regard to whom it is declared that the king had agreed, by advice of his parliament, that no beggars or "thiggars" be permitted to beg, either in the burgh or throughout the country, between the ages of fourteen and threescore and ten years, unless it be first ascertained by the council of the burgh that they are incapacitated from supporting themselves in any other way. It was directed that they who were thus permitted to support themselves should wear a certain token, to be furnished them by the sheriff, or the alderman and bailies; and that proclamation be made that all beggars having no such tokens do immediately betake themselves to such trades as may enable them to win their own living, under the penalty of burning on the cheek and banishment from the country.[2] It is curious to discern, in this primitive legislative enactment, the first institution of the king's blue-coats or bedesmen, a venerable order of privileged mendicants, whose existence has but ceased within the present century.

During the weak administration of Robert the Second and Third, and still more under the unprincipled government of Albany, the "great customs," or the duties levied throughout the realm upon the exportation or importation of merchandise, had been diminished by various grants to private

[1] Acts of the Parliament of Scotland, vol. ii. p. 2. Statutes of the Realm, Rich. II. vol. ii. pp. 9, 10. Statutes against Bonds or Confederacies.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 2, 8.

persons; and, in addition to this, the crown lands had been shamelessly alienated and dilapidated. It was declared by the parliament that in all time coming the great customs should remain in the hands of the king for the support of his royal estate, and that all persons who made any claim upon such customs should produce to the sovereign the deed or grant upon which such a demand was maintained.[1] With regard to the lands and rents which were formerly in possession of the ancestors of the king, it was provided that special directions should be given to the different sheriffs throughout the realm to make inquiries of the oldest and worthiest officers within their sheriffdom, as to the particular lands or annual rents which belonged to the king, or in former times were in the hands of his royal predecessors, David the Second, Robert the Second, and Robert the Third. In these returns by the sheriffs, the names of the present possessors of these lands were directed to be included, and an inquest was then to be summoned, who, after having examined the proper evidence, were enjoined to return a verdict under their seals, adjudging the property to belong to the crown. To facilitate such measures, it was declared that the king may summon, according to his free will and pleasure, his various tenants and vassals to exhibit their charters and holdings, in order to discover the exact extent of their property.[2]

The next enactment related to a very important subject, the payment of the fifty thousand marks which were due to England, and the deliverance of the hostages who were detained in security. Upon this subject it was ordained that a specific sum should be raised upon the whole lands of the kingdom, including regality lands as well as others, as it would be grievous and heavy upon the commons to raise the whole "*finance*" at once. For this purpose, an aid or donative, expressed in the statute by the old Saxon word a *zelde*, and amounting to the sum of twelve pennies in every pound, was directed to be raised upon all rents, lands, and goods, belonging to lords and barons within their domains, including both corn and cattle. From this valuation, however, all riding horses, draught oxen, and household utensils, were excepted. The burgesses, in like manner, were directed to contribute their share out of their goods and rents. In addition to this donative, the parliament determined that certain taxes should also be raised upon the cattle and the corn, the particulars of which were minutely detailed in the record. As to the tax upon all grain which was then housed, excepting the purveyance of the lords and barons for their own consumption, it was ordained that the boll of wheat should pay two shillings; the boll of rye, bear, and pease, sixteenpence; and the boll of oats, sixpence. With regard to the green corn, all the standing crops were to remain untaxed until brought into the barn. As to cattle, it was determined that a cow and her calf, or quey of two years old, should pay six shillings and eightpence; a draught ox the same; every wedder and ewe, each at the rate of twelve pennies; every goat, gimmer, and dinmont, the same; each wild mare, with her colt of three year old, ten shillings; and lastly, every colt of three years and upwards, a mark.[3]

For the purpose of the just collection of this tax throughout the country, it was directed that every sheriff should within his own sheriffdom summon the barons and freeholders of the king, and by their advice select certain honest and discreet men, who should be ready to abide upon all occasions the scrutiny of the sovereign as to their faithful discharge of their office in the taxation; and to whom the task of making an "Extent," as it was technically called, or, in other words, of drawing up an exact inventory of the property of the country,

[1] See a statute of Richard the Second on the same subject, pp. 41, 42, vol. ii. Statutes of the Realm.

[2] Acts of the Parliament of Scotland, vol. ii. p. 4.

[3] Acts of the Parliament of Scotland, p. 4.

should be committed. These officers, or "*extentours*," are directed to be sworn as to the faithful execution of their office, before the barons of the sheriffdom; they are commanded, in order to insure a more complete investigation, to take with them the parish priest, who is to be enjoined by his bishop to inform them faithfully of all the goods in the parish; and having done so, they are then to mark down the extent in a book furnished for the purpose, in which the special names of every town in the kingdom, and of every person dwelling therein, with the exact amount of their property, was to be particularly enumerated; all which books were to be delivered into the hands of the king's auditors at Perth, upon the 12th day of July next. It is deeply to be regretted that none of these records of the property of the kingdom have reached our time.

It was further declared upon this important subject, that all the lands of the kingdom should be taxed according to their present value, and that the tax upon all goods and gear should be paid in money of the like value with the coin then current in the realm. It was specially enjoined that no one in the kingdom, whether he be of the rank of clerk, baron, or burgess, should be excepted from payment of this tax, and that all should have the money ready to be delivered within fifteen days after the taxation had been struck, the officers employed in its collection being empowered, upon failure, to take payment in kind, a cow being estimated at five shillings; a ewe or wedder, at twelve pence; a goat, gimmer, or dinmont, at eightpence; a three-year-old colt at a mark; a wild mare and her foal at ten shillings; a boll of wheat at twelve pennies; of rye, bear, and pease, at eightpence; and of oats, at threepence.[1] If the lord of the land, where such payment in kind had been taken, chose to advance the sum for his tenants, the sheriffs were commanded to deliver the goods to him; if not, they were to be sold at the next market cross, or sent to the king.

It was next determined by the parliament that the prelates should tax their rents and kirks in the same manner, and at the same rate, as the baron's land; every bishop in each deanery of his diocese being directed to cause his official and dean to summon all his tenants and freeholders before him, and to select tax-gatherers, whose duty it was to "extend" the ecclesiastical lands in the same way as the rest of the property of the country; it being provided, in every instance where a churchman paid the whole value of his benefice, that the fruits of his kirk lands should next year be free from all imposition or exaction. In the taxation of the rents and goods of the burgesses, the sheriff was directed to send a superintendent to see that the tax-gatherers, who were chosen by the aldermen and bailies, executed their duty faithfully and truly; and it was directed that the salary and expenses of the various collectors in baronies, burghs, or church lands, should be respectively determined by the sheriff, aldermen, and prelates, and deducted from the whole amount of the tax, when it was given into the hands of the "auditors" appointed by the king to receive the gross sum, on the 12th day of July, at Perth. The auditors appointed were the Bishops of Dunkeld and Dunblane, the Abbots of Balmerinoch and St Colm's Inch, Mr John Scheves, the Earl of Athole, Sir Patrick Dunbar, William Borthwick, Patrick Ogilvy, James Douglas of Balveny, and William Erskine of Kinnoul. I have been anxious to give the entire details of this scheme of taxation, as it furnishes us with many interesting facts illustrative of the state of property in the country at this early period of its history, and as it is not to be found in the ordinary edition of the Statutes of James the First.

After some severe enactments against the slayers of salmon within the forbidden time, which a posterior statute informs us was in the interval between the feast of the Assumption of Our

[1] Acts of the Parliament of Scotland, vol. ii. p. 4.

Lady and the feast of St Andrew in the winter, it was declared that all *yairs and cruves*, (meaning certain mechanical contrivances for the taking of fish by means of wattled traps placed between two walls in the stream of the river,) which have been built in fresh waters where the sea ebbs and flows, should be put down for three years, on account of the destruction of the spawn, or young fry, which they necessarily occasion. This regulation was commanded to be peremptorily enforced, even by those whose charters included a right of "cruve fishing," under the penalty of a hundred shillings; and the ancient regulation regarding the removal of the cruve on Saturday night, known by the name of "Saturday's Slap," as well as the rules which determined the statutory width of the "*hecks*," or wattled interstices, were enjoined to be strictly observed.[1] The extent to which the fisheries had been carried in Scotland, and the object which they formed even to the foreign fishcurers, appeared in the statutory provisions regarding the royal custom imposed upon all herring taken within the realm, being one penny upon every thousand fresh herring sold in the market. Upon every last of herring which were taken by Scottish fishermen and barrelled, a duty of four shillings, and on every last taken by strangers, a duty of six shillings was imposed; whilst, from every thousand red herrings made within the kingdom, a duty of four pennies was to be exacted.[2]

With regard to mines of gold or silver, it was provided that wherever such have been discovered within the lands of any lord or baron, if it can be proved that three half pennies of silver can be produced out of the pound of lead, the mine should, according to the established practice of other realms, belong to the king—a species of property from which there is no evidence that any substantial wealth ever flowed into the royal exchequer. It was enacted that no gold or silver should be permitted to be carried forth of the realm, except it pay a duty of forty pence upon every pound exported; and in the event of any attempt to contravene this provision, the defaulter was to forfeit the whole gold or silver, and to pay a fine of forty-one pennies to the king. It was moreover provided that in every instance where merchant strangers have disposed of their goods for money, they should either expend the same in the purchase of Scottish merchandise, or in the payment of their personal expenses, for proof of which they must bring the evidence of the host of the inn where they made their abode; or, if they wished to carry it out of the realm, they were to pay the duty upon exportation.[3] It was determined that the money in present circulation throughout the realm, which had been greatly depreciated from the original standard, should be called in, and a new coinage issued of like weight and fineness with the money of England.

It having been found that a considerable trade had been carried on in the sale and exportation of oxen, sheep and horses, it was provided, in the same spirit of unenlightened policy which distinguished the whole body of the statutes relative to the commerce of the country, that upon every pound of the price received in such transactions a duty of twelve pennies should be levied by the king. Upon the same erroneous principle, so soon as it was discovered that a considerable trade was carried on in the exportation of the skins of harts and hinds, of martins, fumarts, rabbits, does, roes, otters, and foxes, it was provided that a check should be given to this flourishing branch of trade, by imposing a certain tax or custom upon each of such commodities, in the event of their being purchased for exportation.[4] It appears that many abuses

[1] Acts of the Parliament of Scotland, vol. ii. p. 5.

[2] A last, according to Skene, contains twelve great barrels, or fourteen smaller barrels, pp. 139, 140.

[3] In England, by a statute of Henry IV., merchant strangers were permitted to export one-half of the money received for their manufactures. Statutes of the Realm, vol. ii. p. 122.

[4] Acts of the Parliament of Scotland, vol. ii. p. 6.

had crept into the ecclesiastical state of the country by the frequent purchase of pensions from the Pope, against which practices a special statute was directed, declaring that in all time coming no person should purchase any pension payable out of any benefice, religious or secular, under the penalty of forfeiting the same to the crown; and that no clerk, without an express licence from the king, should either himself pass over the sea, or send procurators for him upon any foreign errand.

A singular and primitive enactment followed regarding rookeries; in which, after a preamble stating the mischief to the corn which was occasioned by rooks building in the trees of kirkyards and orchards, it was provided that the proprietors of such trees should, by every method in their power, prevent the birds from building; and, if this cannot be accomplished, that they at least take special care that the young rooks, or braichers, were not suffered to take wing, under the penalty that all trees upon which the nests are found at Beltane, and from which it can be established, by good evidence, that the young birds have escaped, should be forfeited to the crown, and forthwith cut down, unless redeemed by the proprietor. No man, under a penalty of forty shillings, was to burn muirs from the month of March till the corn be cut down; and if any such defaulter was unable to raise the sum, he was commanded to be imprisoned for forty days.

The great superiority of the English archers has been frequently pointed out in the course of this history; and the importance of introducing a more frequent practice of the long-bow appears to have impressed itself deeply on the mind of the king, who had the best opportunity, under Henry the Fifth, of witnessing its destructive effects during his French campaigns. It was accordingly provided that all the male subjects of the realm, after reaching the age of twelve years, "busk them to be archers;" that is, provide themselves with the usual arms of an archer; and that upon every ten pound land bow-marks be constructed, especially in the vicinity of parish churches, where the people may practice archery, and, at the least, shoot thrice about, under the penalty of paying a wedder to the lord of the land, in the event of neglecting the injunction. To give further encouragement to archery, the pastime of football, which appears to have been a favourite national game in Scotland, was forbidden, under a severe penalty, in order that the common people might give the whole of their leisure time to the acquisition of a just eye and a steady hand, in the use of the long-bow.[1]

Such is an abstract of the statutory regulations of the first parliament of James; and it is evident that, making allowance for the different circumstances in which the two countries were situated, the most useful provisions, as well as those which imply the deepest ignorance of the true principles of commercial policy, were borrowed from England. Those, for instance, which imposed a penalty upon the exportation of sheep, horses, and cattle; which implied so deep a jealousy of the gold and silver being carried out of the realm; which forbade the riding armed, or with too formidable a band of servants; which encouraged archery; which related to mendicants and vagabonds; to the duties and qualifications of bailies and magistrates; which extended to the privileges of the Church, and forbade the interference of the Pope with the benefices of the realm, are, with a few changes, to be found amongst the statutes of Richard the Second, and the fourth and fifth Henries; and prove that the king, during his long detention in England, had made himself intimately acquainted with the legislative policy of that kingdom.

It admits of little doubt that during the sitting of this parliament James was secretly preparing for those determined measures, by which, eight months afterwards, he effectually crushed the family of Albany, and

1 Acts of the Parliament of Scotland, vol. ii. pp. 5, 6.

compelled the fierce nobility, who had so long despised all restraint, to respect the authority of the laws, and tremble before the power of the crown. But in these projects it was necessary to proceed with extreme caution; and the institution of the Lords of the Articles seems to have furnished the king with an instrument well suited for the purpose he had in view, which, without creating alarm, enabled him gradually to mature his plans, and conduct them to a successful issue. Who were the persons selected for this committee it is, unfortunately, impossible to discover; but we may be certain that they enjoyed the confidence of the king, and were prepared to support him to the utmost of their power. With them, after the return of the rest of the most powerful lords and barons to their estates, who, from the warmth and cordiality with which they were received, had little suspicion of the secret measures meditated against them, James prepared and passed into laws many statutes, which, from the proud spirit of his nobles, he knew they would not hesitate to despise and disobey, and thus furnish him with an opportunity to bring the offenders within the power of the laws, which he had determined to enforce to the utmost rigour against them. Amongst the statutes, which were evidently designed to be the future means of coercing his nobility, those which regarded the resumption of the lands of the crown, and the exhibition of the charters by which their estates were held, may be at once recognised; and to these may be added the enactments against the numerous assemblies of armed vassals with which the feudal nobility of the time were accustomed to traverse the country, and bid defiance to the local magistracy.

The loss of many original records, which might have thrown some certain light upon this interesting portion of our history, renders it impossible to trace the various links in the projects of the king. Some prominent facts alone remain; yet from these it is not difficult to discover at least the outline of his proceedings.

He suffered eight months to expire before he convoked that celebrated parliament at Perth, at which he had secretly resolved to exhibit his own strength, and to inflict a signal vengeance upon the powerful family of Albany. During this interval he appears to have gained to his party the whole influence of the clergy, and to have quietly consolidated his own power amongst a portion of the barons. The Earl of Mar, and his son Sir Thomas Stewart, William Lauder, bishop of Glasgow and chancellor, Sir Walter Ogilvy, the treasurer, John Cameron, provost of the Collegiate Church of Lincluden, and private secretary to the king, Sir John Forester of Corstorphine, chamberlain, Sir John Stewart and Sir Robert Lauder of the Bass, Thomas Somerville of Carnwath, and Alexander Levingston of Callander, members of the king's council, were, in all probability, the only persons whom James admitted to his confidence, and intrusted with the execution of his designs;[1] whilst the utmost secrecy appears to have been observed with regard to his ultimate purposes.

Meanwhile Duke Murdoch and his sons, with the Earls of Douglas, March, and Angus, and the most powerful of the nobility, had separated without any suspicion of the blow which was meditated against them; and, once more settled on their own estates, and surrounded by their feudal retainers, soon forgot the statutes which had been so lately enacted; and with that spirit of fierce independence which had been nourished under the government of Albany and his son, dreamt little of producing their charters or giving up the crown lands or rents which they had received, of abridging their feudal state or dismissing their armed followers, or, indeed, of yielding obedience to any part of the laws which interfered with their individual importance and authority. They considered the statutes in

[1] See Hay's MS. Collection of Diplomata, vol. iii. p. 98, for a deed dated 30th December 1424, which gives the members of the king's privy council.

precisely the same light in which there is reason to believe all parliamentary enactments had been regarded in Scotland for a long period before this: as mandates to be obeyed by the lower orders, under the strictest exactions of penalty and forfeitures; and to be attended to by the great and the powerful, provided they suited their own convenience, and did not offer any great violence to their feelings of pride or their possession of power. The weak and feeble government of Robert the Second and Third, with the indulgence to which the aristocracy were accustomed under Albany, had riveted this idea firmly in their minds; and they acted upon it without the suspicion that a monarch might one day be found not only with sagacity to procure the enactment of laws which should level their independence, but with a determination of character, and a command of means, which should enable him to carry these laws into execution.

On being summoned, therefore, by the king to attend a parliament, to be held at Perth on the 12th of March, they obeyed without hesitation; and as the first subject which appears to have been brought before the three estates was the dissemination of the heretical opinions of the Lollards, which began to revive about this time in the country, no alarm was excited, and the business of the parliament proceeded as usual. It was determined that due inquiry should be made by the ministers of the king whether the statutes passed in his former parliament had been obeyed; and, in the event of its being discovered that they had been disregarded, orders were issued for the punishment of the offenders. All leagues or confederacies amongst the king's lieges were strictly forbidden; all assistance afforded to rebels, all false reports, or "leasing-makings," which tended to create discord between the sovereign and his people, were prohibited under the penalty of forfeiting life and lands; and in every instance where the property of the Church was found to have been illegally occupied, restoration was ordered to be made by due process of law.[1]

The parliament had now continued for eight days, and as yet everything went on without disturbance; but on the ninth an extraordinary scene presented itself. Murdoch, the late governor, with Lord Alexander Stewart, his younger son, were suddenly arrested, and immediately afterwards twenty-six of the principal nobles and barons shared the same fate. Amongst these were Archibald, earl of Douglas, William Douglas, earl of Angus, George Dunbar, earl of March, William Hay of Errol, constable of Scotland, Scrymgeour, constable of Dundee, Alexander Lindesay, Adam Hepburn of Hailes, Thomas Hay of Yester, Herbert Maxwell of Caerlaverock, Alexander Ramsay of Dalhousie, Alan Otterburn, secretary to the Duke of Albany, Sir John Montgomery, Sir John Stewart of Dundonald, commonly called the Red Stewart, and thirteen others. During the course of the same year, and a short time previous to this energetic measure, the king had imprisoned Walter, the eldest son of Albany, along with the Earl of Lennox and Sir Robert Graham: a man of a fierce and vindictive disposition, who from that moment vowed the most determined revenge, which he lived to execute in the murder of his sovereign.[2] The heir of Albany was shut up in the strong castle of the Bass, belonging to Sir Robert Lauder, a firm friend of the king; whilst Graham and Lennox were committed to Dunbar; and the Duke of Albany himself confined in the first instance in the castle of St Andrews, and afterwards transferred to that of Caerlaverock. At the same moment, the king took possession of the castles of Falkland, and of the fortified palace of Doune, the favourite residence of Albany.[3] Here he found Isabella, the wife of Albany, a daughter of the Earl of Lennox, whom he immediately committed to the castle

[1] Acts of the Parliament of Scotland, vol. ii. p. 7.

[2] Fordun a Hearne, vol. iv. p. 1269.

[3] Statistical Account of Scotland, vol. xx. pp. 57, 60.

of Tantallan; and with a success and a rapidity which can only be accounted for by the supposition of the utmost vigour in the execution of his plans, and a strong military power to overawe all opposition, he possessed himself of the strongest fortresses in the country; and, after adjourning the parliament, to meet within the space of two months at Stirling, upon the 18th of May,[1] he proceeded to adopt measures for inflicting a speedy and dreadful revenge upon the most powerful of his opponents.

In the palace of Stirling, on the 24th of May, a court was held with great pomp and solemnity for the trial of Walter Stewart, the eldest son of the Duke of Albany. The king, sitting on his throne, clothed with the robes and insignia of majesty, with the sceptre in his hand, and wearing the royal crown, presided as supreme judge of his people. The loss of all record of this trial is deeply to be regretted, as it would have thrown light upon an interesting but obscure portion of our history. We know only from an ancient chronicle that the heir of Albany was tried for robbery, "*de roboria.*" The jury was composed of twenty-one of the principal nobles and barons; and it is a remarkable circumstance that amongst their names which have been preserved we find seven of the twenty-six barons whom the king had seized and imprisoned two months before at Perth, when he arrested Albany and his sons. Amongst these seven were the three most powerful lords in the body of the Scottish aristocracy—the Earls of Douglas, March, and Angus; the rest were Sir John de Montgomery, Gilbert Hay of Errol, the constable, Sir Herbert Herries of Terregles, and Sir Robert Cuningham of Kilmaurs.[2] Others who sat upon this jury we know to have been the assured friends of the king, and members of his privy council. These were, Alexander Stewart, earl of Mar, Sir John Forester of Corstorphine, Sir Thomas Somerville of Carnwath, and Sir Alexander Levingston of Callander. It is probable that the seven jurymen above mentioned were persons attached to the party of Albany, and that the intention of the king in their imprisonment was to compel them to renounce all idea of supporting him and to abandon him to his fate. In this result, whatever were the means adopted for its accomplishment, the king succeeded. The trial of Walter Stewart occupied a single day. He was found guilty, and condemned to death. His fate excited a deep feeling of sympathy and compassion in the breasts of the people; for the noble figure and dignified manners of the eldest son of Albany were peculiarly calculated to make him friends amongst the lower classes of the community.

On the following day, Duke Murdoch himself, with his second son, Alexander, and his father-in-law, the Earl of Lennox, were tried before the same jury. What were the crimes alleged against the Earl of Lennox and Alexander Stewart it is now impossible to determine; but it may be conjectured, on strong grounds, that the usurpation of the government and the assumption of supreme authority during the captivity of the king, offences amounting to high treason, constituted the principal charge against the late regent. His father undoubtedly succeeded to the regency by the determination of the three estates assembled in parliament; but there is no evidence that any such decision was passed which sanctioned the high station assumed by the son; and if so, every act of his government was an act of treason, upon which the jury could have no difficulty in pronouncing their verdict. Albany was accordingly found guilty; the same sentence was pronounced upon his son, Alexander Stewart; the Earl of Lennox was next condemned; and these three noble persons were publicly executed on that fatal eminence, before the castle of Stirling, known by the name of the Heading Hill. As the condemnation of Walter Stewart had excited unwonted commiseration amongst the

[1] Fordun a Hearne, vol. iv. p. 1270.
[2] Ibid. pp. 1269-71. See also Extracta ex Chronicis Scotiæ, MS. p. 272.

people, the spectacle now afforded was calculated to raise that feeling to a still higher pitch of distress and compassion. Albany and his two sons were men of almost gigantic stature,[1] and of so noble a presence, that it was impossible to look upon them without an involuntary feeling of admiration; whilst the venerable appearance and white hairs of Lennox, who had reached his eightieth year, inspired a sentiment of tenderness and pity, which, even if they admitted the justice of the sentence, was apt to raise in the bosom of the spectators a disposition to condemn the rapid and unrelenting severity with which it was carried into execution. Even in their days of pride and usurpation, the family of Albany had been the favourites of the people. Its founder, the regent, courted popularity; and although a usurper, and stained with murders, seems in a great measure to have gained his end. It is impossible indeed to reconcile the high eulogium of Bower and Winton[2] with the dark actions of his life; but it is evident, from the tone of these historians, that the severity of James did not carry along with it the feelings of the people. Yet, looking at the state of things in Scotland, it is easy to understand the object of the king. It was his intention to exhibit to a nation, long accustomed to regard the laws with contempt and the royal authority as a name of empty menace, a memorable example of stern and inflexible justice, and to convince them that a great change had already taken place in the executive part of the government.

With this view, another dreadful exhibition followed the execution of the family of Albany. James Stewart, the youngest son of this unfortunate person, was the only member of it who had avoided the arrest of the king, and escaped to the Highlands. Driven to despair by the ruin which threatened his house, he collected a band of armed freebooters, and, assisted by Finlay, bishop of Lismore, and Argyle, his father's chaplain, attacked the burgh of Dumbarton with a fury which nothing could resist. The king's uncle, Sir John of Dundonald, called the Red Stewart, was slain, the town sacked and given to the flames, and thirty men murdered; after which the son of Albany returned to his fastnesses in the north. But so hot was the pursuit which was instituted by the royal vengeance, that he and the ecclesiastical bandit who accompanied him were dislodged from their retreats, and compelled to fly to Ireland.[3] Five of his accomplices, however, were seized, and their execution, which immediately succeeded that of Albany, was unpardonably cruel and disgusting. They were torn to pieces by wild horses, after which their warm and quivering limbs were suspended upon gibbets: a terrible warning to the people of the punishment which awaited those who imagined that the fidelity which impelled them to execute the commands of their feudal lord was superior to the ties which bound them to obey the laws of the country.

These executions were followed by the forfeiture to the crown of the immense estates belonging to Albany and to the Earl of Lennox; a seasonable supply of revenue, which, amid the general plunder to which the royal lands had been exposed, was much wanted to support the dignity of the throne, and in the occupation of a considerable portion of which, there is reason to believe, the king only resumed what had formerly belonged to him. With regard to the conduct of the Bishop of Lismore, James appears to have made complaint to the Pope, who directed a bull, addressed to the Bishops of St Andrews and Dunblane, by which they were empowered to inquire into the treason of the prelate, and other rebels against the king.[4]

[1] Albany and his sons were buried in the church of the Preaching Friars at Stirling, on the south side of the high altar, "figuris et armis eorundem depictis."—Extracta ex Chronicis Scotiæ, MS. p. 272. Fordun a Goodal, vol. ii. p. 483. "Homines giganteæ staturæ."

[2] Fordun a Hearne, p. 1228. Winton, vol. ii. pp. 419, 420. See Illustrations, E.

[3] Fordun a Hearne, vol. iv. p. 1270.

[4] Innes' MS. Chronology, quoted by Chal-

The remaining barons who had been imprisoned at the time of Albany's arrest appear to have been restored to liberty immediately after his execution, and the parliament proceeded to the enactment of several statutes, which exhibit a singular combination of wisdom and ignorance, some being as truly calculated to promote, as others were fitted to retard, the improvement and prosperity of the country. It was ordained that every man of such simple estate as made it reasonable that he should be a labourer or husbandman should either combine with his neighbour to pay half the expense of an ox and a plough, or dig every day a portion of land seven feet in length and six feet in breadth. In every sheriffdom within the realm, "weaponschawings," or an armed muster of the whole fighting men in the county for the purpose of military exercise and an inspection of their weapons, were appointed to be held four times in the course of the year. Symptoms of the decay of the forest and green wood, or perhaps, more correctly speaking, proofs of the improved attention of the nobles to the enclosure of their parks and the ornamental woods around their castles, are to be discerned in the enactment, which declared it to be a part of the duty of the Justice Clerk to make inquiries regarding those defaulters, who steal green wood, or strip the trees of their bark under cover of night, or break into orchards to purloin the fruit; and provided that, where any man found his stolen woods in other lords' lands, it should be lawful for him on the instant to seize both the goods and the thief, and to have him brought to trial in the court of the baron upon whose lands the crime was committed.[1]

With regard to the commerce of the country, some regulations were now passed, dictated by the same jealous spirit which has been already remarked as pervading the whole body of our commercial legislation. It was strictly enjoined that no tallow should be exported out of the country, under the penalty of being forfeited to the king; that no horses were to be carried forth of the realm till they were past the age of three years; and that no merchant was to be permitted to pass the sea for the purposes of trade, unless he either possess in property, or at least in commission, three serplaiths of wool, or the value of such in merchandise, to be determined by an inquest of his neighbours, under a penalty of forty-one pounds to the king, if found guilty of disobeying the law.

Upon the subject of the administration of justice to the people in general, and more especially to such poor and needy persons who could not pay an advocate for conducting their cause, a statute was passed in this parliament which breathes a spirit of enlarged humanity. After declaring that all bills of complaints, which, for divers reasons, affecting the profit of the realm, could not be determined by the parliament, should be brought before the particular judge of the district to which they belong, to whom the king was to give injunction to distribute justice, without fraud or favour, as well to the poor as to the rich, in every part of the realm, it proceeded as follows, in language remarkable for its strength and simplicity:—"And gif thar be ony pur creatur," it observes, "that for defalte of cunnyng or dispens, can nocht, or may nocht folow his caus; the king, for the lufe of God, sall ordane that the juge before quhame the causs suld be determyt purway and get a lele and wyss advocate to folow sic creaturis caus. And gif sic caus be obtenyt, the wrangar sall assythe the party skathit, and ye advocatis costis that travale. And gif the juge refusys to doe the lawe evinly, as is befor saide, ye party plenzeand sall haf recours to ye king, ye quhilk sall sa rigorusly punyst sic jugis, yat it be ane ensampill till all utheris."[2]

mers in his Life of James the First, p. 14, prefixed to the Poetic Remains.

[1] Acts of the Parliament of Scotland, vol. ii. pp. 7. 8.

[2] Acts of the Parliament of Scotland, vol. ii. p. 8.

It was declared to be the intention of the sovereign to grant a remission or pardon of any injury committed upon person or property in the Lowland districts of his dominions, where the defaulter made reparation, or, according to the Scottish phrase, "assythement," to the injured party, and where the extent of the loss had been previously ascertained by a jury of honest and faithful men; but from this rule the Highlands, or northern divisions of the country, were excepted, where, on account of the practice of indiscriminate robbery and murder which had prevailed, previous to the return of the king, it was impossible to ascertain correctly the extent of the depredation, or the amount of the assythement. The condition of his northern dominions, and the character and manners of his Highland subjects, —if indeed they could be called his subjects whose allegiance was of so peculiar and capricious a nature,— had given birth to many anxious thoughts in the king, and led not long after this to a personal visit to these remote regions, which formed an interesting episode in his reign.

The only remaining matter of importance which came under the consideration of this parliament was the growth of heresy, a subject which, in its connexion as with the first feeble dawnings of reformation, is peculiarly interesting and worthy of attention. It was directed that every bishop within his diocese should make inquisition of all Lollards and heretics, where such were to be found, in order that they be punished according to the laws of the holy Catholic Church, and that the civil power be called in for the support of the ecclesiastical, if required.[1] Eighteen years had now elapsed since John Resby, a follower of the great Wickliff, was burnt at Perth. It was then known that his preaching, and the little treatises which he or his disciples had disseminated through the country, had made a deep impression; and the ancient historian who informs us of the circumstance observes that, even in his own day, these same books and conclusions were secretly preserved by some unhappy persons under the instigation of the devil, and upon the principle that stolen waters are sweet.[2]

There can be no doubt that at this period the consciences of not a few in the country were alarmed as to the foundations of a faith upon which they had hitherto relied, and that they began to judge and reason for themselves upon a subject of all others the most important which can occupy the human mind,—the grounds of a sinner's pardon and acceptance with God. An under-current of reformation, which the Church denominated heresy, was beginning gradually to sap the foundations upon which the ancient Papal fabric had been hitherto securely resting; and the Scottish clergy, alarmed at the symptoms of spiritual rebellion, and possessing great influence over the mind of the monarch, prevailed upon him to interpose the authority of a legislative enactment, to discountenance the growth of the new opinions, and to confirm and follow up the efforts of the Church, by the strength and terror of the secular arm. The education of James in England, under the direction of two monarchs, who had sullied their reign by the cruel persecution of the followers of Wickliff, was little calculated to open his mind to the convictions of truth, or to the principles of toleration; and at this moment he owed so much to the clergy, and was so engrossed with his efforts for the consolidation of the royal power, that he could neither refuse their request nor inquire into the circumstances under which it was preferred. The statute, therefore, against Lollards and heretics was passed; the symptoms of rebellion, which ought to have stimulated the clergy to greater zeal, purity, and usefulness, were put down by a strong hand; and the reformation was retarded only to become more resistless at the last.

In the destruction of our national

[1] Acts of the Parliament of Scotland, vol. ii. pp. 7, 8.

[2] Fordun a Hearne, vol. iv. p. 1169.

records many links in the history of this remarkable parliament have been lost; but the success with which the king conducted this overthrow of the house of Albany certainly gives us a high idea of his ability and courage; and in the great outlines enough has been left to convince us that the undertaking was of a nature the most delicate and dangerous which could have presented itself to a monarch recently seated on a precarious throne, surrounded by a fierce nobility, to whom he was almost a stranger, and the most powerful of whom were connected by blood or by marriage with the ancient house whose destruction he meditated. The example indeed was terrible; the scaffold was flooded with royal and noble blood; and it is impossible not to experience a feeling of sorrow and indignation at the cruel and unrelenting severity of James. It seems as if his rage and mortification at the escape of his uncle, the prime offender, was but imperfectly satisfied with the punishment of the feeble Murdoch; and that his deep revenge almost delighted to glut itself in the extermination of every scion of that unfortunate house. But to form a just opinion, indeed, of the conduct of the king, we must not forget the galling circumstances in which he was situated. Deprived for nineteen years of his paternal kingdom by a system of unprincipled usurpation; living almost within sight of his throne, yet unable to reach it; feeling his royal spirit strong within him, but detained and dragged back by the successful and selfish intrigues of Albany, it is not surprising that when he did at last escape from his bonds his rage should be that of the chafed lion who has broken the toils, and that the principle of revenge, in those dark days esteemed as much a duty as a pleasure, should mingle itself with his more cool determination to inflict punishment upon his enemies.

But laying individual feelings aside, the barbarism of the times, and the precarious state in which he found the government, compelled James to adopt strong measures. Nothing but an example of speedy and inflexible severity could have made an impression upon the iron-nerved and ferocious nobles, whose passions, under the government of the house of Albany, had been nursed up into a state of reckless indulgence, and a contempt of all legitimate authority; and there seems reason to believe that the conduct pursued by the king was deemed by him absolutely necessary to consolidate his own power, and enable him to carry into effect his ultimate designs for promoting the interests of the country. Immediately after the conclusion of the parliament, James despatched Lord Montgomery of Eliotston, and Sir Humphrey Cunningham, to seize the castle of Lochlomond,[1] the property of Sir James Stewart, the youngest son of Albany, who had fled to Ireland along with his father's chaplain, the Bishop of Lismore. Such was the terror inspired by the severity of James, that this fierce youth never afterwards returned, but died in banishment; so that the ruin of the house of Albany appeared to be complete.

In the course of the preceding year the queen had brought into the world a daughter, her first-born, who was baptized by the name of Margaret; and, as the policy of France led those who then ruled in her councils to esteem the alliance of Scotland of great importance in her protracted struggle with England, it was determined to negotiate a marriage between Louis of Anjou, the heir to the throne, and the infant princess. In that kingdom the affairs of Charles the Seventh were still in a precarious situation. Although the great military genius of Henry the Fifth no longer directed and animated the operations of the campaign, yet, under the Duke of Bedford, who had been appointed Regent of France, fortune still favoured the arms of the invaders; and the successive defeats of Crevant and Verneuil, in which the auxiliary forces of the Scots were almost entirely cut to

[1] "In the south end of the island Inchmurin, the ancient family of Lennox had a castle, but it is now in ruins." This is probably the castle alluded to, Stat. Acct. vol. ix. p. 16. Extracta ex Chronicis Scotiæ, fol. 273.

pieces, had lent a vigour and confidence to the councils and conduct of the English, and imparted a proportionable despondency to the French, which seemed to augur a fatal result to the efforts of that brave people. It became necessary, therefore, to court every alliance from which effectual assistance might be expected; and the army of seven thousand Scottish men-at-arms, which had passed over under the command of the Earls of Buchan and Wigtown in 1420, with the additional auxiliary force which the Earl of Douglas led to join the army of Charles the Seventh, convinced that monarch that the assistance of Scotland was an object, to attain which no efforts should be spared. Accordingly Stewart of Darnley, Lord of Aubigny and Constable of the Scottish army in France, along with the Archbishop of Rheims, the first prelate in the realm, were despatched in 1425 upon an embassy to negotiate the marriage between Margaret of Scotland and Louis the Dauphin, and to renew the ancient league which had so long connected the two countries with each other.[1]

James received the ambassadors with great distinction, agreed to the proposed alliance, and despatched Leighton, bishop of Aberdeen, with Lauder, archdeacon of Lothian, and Sir Patrick Ogilvy, justiciar of Scotland, to return his answer to the Court of France. It was determined that in five years the parties should be betrothed, after which the Scottish princess was to be conveyed with all honour to her royal consort. About the same time the king appears to have sent ambassadors to the Court of Rome, but it is difficult to discover whether they merely conveyed those general expressions of spiritual allegiance which it was usual for sovereigns to transmit to the Holy See after their coronation, or related to matters more intimately affecting the ecclesiastical state of the kingdom. If we may judge from the numbers and dignity of the envoys, the communication was one of importance, and may, perhaps, have related to those measures for the extirpation of heresy which we have seen occupying the attention of the legislature under James's second parliament. It was a principle of this enterprising monarch, in his schemes for the recovery and consolidation of his own power, to cultivate the friendship of the clergy, whom he regarded as a counterpoise to the nobles; and with this view he issued a commission to Leighton, the bishop of Aberdeen, authorising him to resume all alienations of the lands of the Church which had been made during the regencies of the two Albanies, commanding his justiciars and officers of the law to assist in all proper measures for the recovery of the property which had been lost, and conferring upon the prelate the power of anathema in case of resistance.[2]

During the same year there arrived in Scotland an embassy from the States of Flanders, upon a subject of great commercial importance. It appears that the Flemings, as allies of England, had committed hostilities against the Scottish merchants during the captivity of the king, which had induced him to order the staple of the Scottish commerce in the Netherlands to be removed to Middelburgh in Zealand. The measure had been attended with much loss to the Flemish traders; and the object of the embassy was to solicit the return of the trade. The king, who at the period of its arrival was engaged in keeping his birthday, surrounded by his barons, at St Andrews, received the Flemish envoys with distinction; and, aware of the importance of encouraging the commercial enterprise of his people, seized the opportunity of procuring more ample privileges for the Scottish merchants in Flanders, in return for which he agreed that the staple should be restored.[3]

At this period, besides the wealthy citizens and burghers who adopted commerce as a profession, it was not uncommon for the richer nobles and

[1] Fordun a Goodal, vol. ii. p. 484.

[2] MS. in Harleian Coll. quoted in Pinkerton's History, vol. i. p. 116.

[3] Fordun a Goodal, vol. ii. pp. 487, 509.

gentry, and even for the sovereign, to embark in mercantile adventures. In 1408 the Earl of Douglas freighted a vessel, with one or two supercargoes, and a crew of twenty mariners, to trade in Normandy and Rochelle; in the succeeding year the Duke of Albany was the proprietor of a vessel which carried six hundred quarters of malt, and was navigated by a master and twenty-four sailors; and at a still later period a vessel, the *Mary* of Leith, obtained a safe-conduct from the English monarch to unship her cargo, which belonged to his dear cousin James, the King of Scotland, in the port of London, and expose the merchandise to sale.[1] At the same time the Lombards, esteemed perhaps the most wealthy and enterprising merchants in Europe, continued to carry on a lucrative trade with Scotland; and one of their large carracks, which, compared with the smaller craft of the English and Scottish merchants, is distinguished by the contemporary chronicler as an "enormous vessel," *navis immanissima*, was wrecked by a sudden storm in the Firth of Forth. The gale was accompanied by a high spring-tide, against which the mariners of Italy, accustomed to the Mediterranean navigation, had taken no precautions; so that the ship was driven from her anchors and cast ashore at Granton, about three miles above Leith.[2]

The tax of twelve pennies upon every pound of rent, and other branches of income, which was directed to be levied in the first parliament held at Perth after the king's return, has been already mentioned. The sum to be thus collected was destined for the payment of the arrears which the king had become bound to advance to England, as the amount of expense incurred by his maintenance during his captivity; and it appears by the account of Walter Bower, the continuator of Fordun, who was himself one of the commissioners for this taxation, that during the first year it amounted to fourteen thousand marks; which would give nearly two hundred and eighty thousand marks, or about three millions of modern sterling money, as the annual income of the people of Scotland in 1424.

It must be recollected, however, that this does not include the lands and cattle employed by landholders in their own husbandry, which were particularly excepted in the collection. The tax itself was an innovation; and in the second year the zeal of the people cooled; they openly murmured against the universal impoverishment it occasioned; and the collection was far less productive. In those primitive times, all taxes, except in customs, which became a part of the apparent price of the goods on which they were charged, were wholly unknown in Scotland. The people were accustomed to see the king support his dignity, and discharge his debts, by the revenues of the crown lands, which, previous to the late dilapidations, were amply sufficient for that purpose; and with equal prudence and generosity, although supported by a resolution of the three estates, James declined to avail himself of this invidious mode of increasing his revenue, and gave orders that no further efforts should be made to levy the imposition.[3]

Upon the 11th of March 1425, the king convoked his third parliament at Perth, and the institution of the Lords of the Articles appears to have been fully established. The various subjects upon which the decision of the great council was requested were declared to be submitted by the sovereign to the determination of certain persons to be chosen by the three estates from the prelates, earls, and barons then assembled; and the legislative enactments which resulted from their deliberations convey to us an animated and instructive picture of the condition of the country. After the usual declaration, that the holy

[1] Rotuli Scotiæ, vol. ii. p. 257. Ibid. 1st Sept. 9 Henry IV., p. 187. 2d Dec. 11 Henry IV., p. 193.

[2] Fordun a Goodal, vol. ii. p. 487.

[3] Fordun a Goodal, vol. ii. p. 482. M'Pherson's Annals of Commerce, vol. i. p. 640.

Catholic Church and its ministers should continue to enjoy their ancient privileges, and be permitted without hindrance to grant leases of their lands, or of their teinds, there follows a series of regulations and improvements, both as to the laws themselves and the manner of their administration, which are well worthy of attention.

It was first announced that all the subjects of the realm must be governed by the statutes passed in parliament, and not by any particular laws, or any spiritual privileges or customs of other countries; and a new court, known by the name of the SESSION, was instituted for the administration of justice to the people. It was declared that the king, with the consent of his parliament, had ordained that his chancellor, and along with him certain discreet persons of the three estates, who were to be chosen and deputed by himself, should, from this day forth, sit three times in the year, at whatever place the sovereign may appoint them, for the examination and decision of all causes and quarrels which may be determined before the king's council; and that these judges should have their expenses paid by the parties against whom the decision was given out of the fines of court, or otherwise as the monarch may determine. The first session of this new court was appointed to be held the day after the feast of St Michael the Archangel, or on the 30th of September; the second on the Monday of the first week of Lent; and the third on the morning preceding the feast of St John the Baptist.[1]

A Register was next appointed, in which a record was to be kept of all charters and infeftments, as well as of all letters of protection, or confirmations of ancient rights or privileges, which, since the king's return, had been granted to any individuals; and, within four months after the passing of this act, all such charters were to be produced by the parties to whom they have been granted, and regularly marked in the book of record. Any person who was a judge or officer of justice within the realm, or any person who had prosecuted and summoned another to stand his trial, was forbidden, under a penalty of ten pounds, to sit upon his jury; and none were to be allowed to practise as attorneys in the justice-ayres, or courts held by the king's justiciars, or their deputies, who were not known to the justice and the barons as persons of sufficient learning and discretion. Six wise and able men, best acquainted with the laws, were directed to be chosen from each of the three estates, to whom was committed the examination of the books of the law, that is to say, "Regiam Majestatem," and "Quoniam Attachiamenta;" and these persons were directed by parliament, in language which marked the simple legislation of the times, "to mend the lawis that needis mendying," to reconcile all contradictory, and explain all obscure enactments, so that henceforth fraud and cunning may assist no man in obtaining an unjust judgment against his neighbour.[2]

One of the greatest difficulties which at this early period stood in the way of all improvement introduced by parliamentary regulations was the slowness with which these regulations were communicated to the more distant districts of the country; and the extreme ignorance of the laws which subsisted, not only amongst the subjects of the realm and the inferior ministers of justice, but even amongst the nobles and barons, who, living in their own castles in remote situations, rude and illiterate in their habits, and bigoted in their attachment to those ancient institutions under which they had so long tyrannised over their vassals, were little anxious to become acquainted with new laws; and frequently, when they did penetrate so far, pretended ignorance, as a cover for their disobedience. To obviate, as far as possible, this evil, it was directed by the parliament that all statutes and ordinances made prior to this should be

[1] Acts of the Parliament of Scotland, vol. ii. p. 11.

[2] Acts of the Parliament of Scotland, vol. ii. p. 11.

first transcribed in the king's register, and afterwards that copies of them should be given to the different sheriffs in the country. The sheriffs were then strictly enjoined to publish and proclaim these statutes in the chief and most notable places in the sheriffdom, and to distribute copies of them to prelates, barons, and burghs of baillery, the expense being paid by those who made the application. They were commanded, under the penalty of being deprived of their office, to cause all acts of the legislature to be observed throughout their county, and to inculcate upon the people, whether burghers or landholders, obedience to the provisions made by their sovereign since his return from England; so that, in time coming, no man should have cause to pretend ignorance of the laws.[1]

The defence of the country was another subject which came before this parliament. It was provided that all merchants of the realm passing beyond seas should, along with their usual cargoes, bring home such a supply of harness and armour as could be stowed in the vessel, besides spears, spear-shafts, bows, and bow-strings; nor was this to be omitted upon any of their voyages. Particular injunctions were added with regard to the regulation of "*weaponschawings*," or the annual county musters for the inspection of arms, and the encouragement of warlike exercises. Every sheriff was directed to hold them four times in the year within his county, upon which occasion it was his duty to see that every gentleman, having ten pounds value in land, should be sufficiently harnessed and armed with steel basnet, leg-harness, sword, spear, and dagger, and that all gentlemen of less property should be armed according to their estate. All yeomen of the realm, between the ages of sixteen and sixty, were directed to be provided with bows and a sheaf of arrows. With regard to the burghs, it was appointed that the weaponschawing should be held within them also, four times during the year, that all their inhabitants should be well armed, and that the aldermen and the bailies were to be held responsible for the due observance of this regulation; whilst certain penalties were inflicted on all gentlemen and yeomen who may be found transgressing these enactments.[2]

The regulations relating to the commercial prosperity of the country, and its intercourse with other nations, manifest the same jealousy and ignorance of the true prosperity of the realm which influenced the deliberations of the former parliaments. Taxes were repeated upon the exportation of money, compulsory regulations promulgated against foreign merchants, by which they were compelled to lay out the money which they received for their commodities upon the purchase of Scottish merchandise, directions were given to the sheriffs and other ministers of the law, upon the coasts opposite to Ireland, to prevent all ships and galleys from sailing to that country without special licence of the king's deputes, to be appointed for this purpose in every seaport; no merchant or shipman was to be allowed to give to any Irish subject a passage into Scotland, unless such stranger could shew a letter or passport from the lord of the land from whence he came declaring the business for which he desired to enter the realm; and all such persons, previous to their being allowed to land, were to be examined by the king's deputy of the seaport where the ship had weighed anchor, so that it might be discovered whether the business they had in hand were to the profit or the prejudice of the king and his estate. These strict enactments were declared to proceed from no desire to break or interrupt the good understanding which had been long maintained between the King of Scotland "and his gud aulde frendis the Erschry of Irelande;" but because at that time the open rebels of the king had taken refuge in that country, and the welfare and safety of

[1] Acts of the Parliament of Scotland, vol. ii. p. 11.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 9, 10.

the realm might be endangered by all such unrestrained intercourse as should give them an opportunity of plotting with their friends, or afford facilities to the Irish of becoming acquainted with the private affairs of the government of Scotland.[1]

A quaint and amusing provision was introduced in this parliament, which is entitled, "Anent hostillaris in villagis and burowyis." It informs us that hostlers or innkeepers had made grievous complaints to the king against a villanous practice of his lieges, who, in travelling from one part of the country to another, were in the habit of taking up their residence with their acquaintances and friends, instead of going to the regular inns and hostelries, whereupon the sovereign, with counsel and consent of the three estates, prohibited all travellers on foot or horseback from rendezvousing at any station except the established hostelry of the burgh or village; and interdicted all burgesses or villagers from extending to them their hospitality, under the penalty of forty shillings. The higher ranks of the nobles and the gentry would, however, have considered this as an infringement upon their liberty, and it was accordingly declared that all persons whose estate permitted them to travel with a large retinue in company might quarter themselves upon their friends, under the condition that they sent their attendants and horses to be lodged at the common hostelries.[2]

The remaining enactments of this parliament related to the regulation of the weights and measures, and to the appointment of an established standard to be used throughout the realm; to the obligation of all barons or freeholders to attend the parliament in person; to the offering up of regular prayers and collects by all priests, religious and secular, throughout the kingdom, for the health and prosperity of the king, his royal consort, and their children; and, lastly, to the apprehension of all stout, idle vagabonds, who possess the ability but not the inclination to labour for their own living. These were to be apprehended by the sheriff, and compelled within forty days to bind themselves to some lawful craft, so that they should no longer devour and trouble the country. The regulation of the standard size of the boll, firlot, half firlot, peck, and gallon, which were to be used throughout the kingdom, was referred to the next parliament, whilst it was declared that the water measures then in use should continue the same; that with regard to weights there should be made a standard stone, which was to weigh exactly fifteen legal troy pounds, but to be divided into sixteen Scots pounds, and that according to this standard weights should be made, and used by all buyers and sellers throughout the realm.

James had already increased the strength and prosperity of his kingdom by various foreign treaties of alliance and commercial intercourse. He was at peace with England; the ancient ties between France and Scotland were about to be more firmly drawn together by the projected marriage between his daughter and the Dauphin; he had re-established his amicable relations with Flanders; and the court of Rome, flattered by his zeal against heresy, and his devotedness to the Church, was disposed to support him with all its influence. To complete these friendly relations with foreign powers, he now concluded by his ambassadors, William, lord Crichton, his chamberlain, and William Fowlis, provost of the collegiate church of Bothwell, his almoner, a treaty with Eric, king of Denmark, Norway, and Sweden, in which the ancient alliances entered into between Alexander the Third, Robert the First, and the princes who in their days occupied the northern throne, were ratified and confirmed; mutual freedom of trade agreed upon, saving the peculiar rights and customs of both kingdoms; and all damages, transgressions, and defaults on either side cancelled and forgiven. James also consented to continue the annual payment of a hundred

[1] Acts of the Parliament of Scotland, vol. ii. p. 11.
[2] Ibid. vol. ii. p. 10.

marks for the sovereignty of the little kingdom of Man and the Western Isles, which Alexander the Third had purchased in 1266 for the sum of four thousand marks.[1] Their allegiance, indeed, was of a precarious nature, and for a long time previous to this the nominal possession of the Isles, instead of an acquisition of strength and revenue, had proved a thorn in the side of the country; but the king, with that firmness and decision of character for which he was remarkable, had now determined, by an expedition conducted in person, to reduce within the control of the laws the northern parts of his dominions, and confidently looked forward to the time when these islands would be esteemed an acquisition of no common importance.

Meanwhile he prepared to carry his schemes into execution. Having summoned his parliament to meet him at Inverness, he proceeded, surrounded by his principal nobles and barons, and at the head of a force which rendered all resistance unavailing, to establish his residence for a season in the heart of his northern dominions.[2] It was their gloomy castles and almost inaccessible fastnesses which had given refuge to those fierce and independent chiefs who neither desired his friendship nor deprecated his resentment, and who were now destined at last to experience the same unrelenting severity which had fallen upon the house of Albany. At this period the condition of the Highlands, so far as it is discoverable from the few authentic documents which have reached our times, appears to have been in the highest degree rude and uncivilised. There existed a singular combination of Celtic and of feudal manners. Powerful chiefs of Norman name and Norman blood had penetrated into the remotest districts, and ruled over multitudes of vassals and serfs whose strange and uncouth appellatives proclaim their difference of race in the most convincing manner.[3] The tenure of lands by charter and seisin, the feudal services due by the vassal to his lord, the bands of friendship or of manrent which indissolubly united certain chiefs and nobles to each other, the baronial courts, and the complicated official pomp of feudal life, were all to be found in full strength and operation in the northern counties; but the dependence of the barons, who had taken up their residence in these wild districts, upon the king, and their allegiance and subordination to the laws, were far less intimate and influential than in the Lowland divisions of the country; and as they experienced less protection, we have already seen that in great public emergencies, when the captivity of the sovereign, or the payment of his ransom, called for the imposition of a tax upon property throughout the kingdom, these great northern chiefs thought themselves at liberty to resist its collection within their mountainous principalities.[4]

Besides such Scoto-Norman barons, however, there were to be found in the Highlands and the Isles those fierce aboriginal chiefs who hated the Saxon and the Norman race, and offered a mortal opposition to the settlement of all intruders within a country which they considered their own. They exercised the same authority over the various clans or septs of which they were the heads or leaders which the baron possessed over his vassals and their military followers; and the dreadful disputes and collisions which perpetually occurred between these distinct ranks of potentates were accompanied by spoliations, ravages, imprisonments, and murders, which had at last become so frequent and so far extended that the whole country beyond the Grampian range was likely to be cut off by these abuses from all regular communication with the more pacific parts of the kingdom.

This state of things called loudly for redress, and the measures of the king on reaching Inverness were of a prompt and determined character. He summoned the most powerful

[1] Fordun a Hearne, vol. iv. pp. 1355, 1358.

[2] Fordun a Goodal, vol. ii. p. 488.

[3] MS. Adv. Lib. Coll. Diplom. a Macfarlane, vol. i. p. 245. MS. Cart. Moray, p. 263. See Illustrations, F.

[4] History, supra, vol. i. pp. 227, 228.

chiefs to attend his parliament, and this command, however extraordinary it may appear, these ferocious leaders did not think proper to disobey. It may be that he employed stratagem, and held out the prospect of pardon and reconciliation; or perhaps a dreadful example of immediate execution in the event of resistance may have persuaded the Highland nobles that obedience gave them a chance for their lives, whilst a refusal left them no hope of escape. But by whatever method their attendance was secured, they soon bitterly repented their facility, for instantly on entering the hall of parliament they were arrested, ironed, and cast into separate prisons, where all communication with each other or with their followers was impossible. So overjoyed was James at the success of his plan, and the apparent readiness with which these fierce leaders seemed to rush into the toils which had been prepared for them, that Bower described him as turning triumphantly to his courtiers whilst they tied the hands of the captives, and reciting some leonine or monkish rhymes, applauding the skill exhibited in their arrest, and the deserved death which awaited them. Upon this occasion forty greater and lesser chiefs were seized, but the names of the highest only have been preserved,—Alexander of the Isles; Angus Dow, with his four sons, who could bring into the field four thousand men from Strathnaver; Kenneth More, with his son-in-law, Angus of Moray and Makmathan, who could command a sept of two thousand strong; Alexander Makreiny of Garmoran, and John Macarthur, a potent chief, each of whom could muster a thousand men; along with John Ross, William Lesley, and James Campbell, are those enumerated by our contemporary historian, whilst the Countess of Ross, the mother of Alexander of the Isles, and heiress of Sir Walter Lesley, a rich and potent baron, was apprehended at the same time, and compelled to share the captivity of her son.[1]

[1] Fordun a Hearne, vol. iv. pp. 1283, 1284.

Some of these, whose crimes had rendered them especially obnoxious, the king ordered to immediate execution. James Campbell was tried, convicted, and hanged for his murder of John of the Isles; Alexander Makreiny and John Macarthur were beheaded, and their fellow-captives dispersed and confined in different prisons throughout the kingdom. Of these not a few were afterwards condemned and executed, whilst the rest, against whom nothing very flagrant could be proved, were suffered to escape with their lives. By some this clemency was speedily abused, and by none more than the most powerful and ambitious of them all, Alexander of the Isles.

This ocean lord, half prince and half pirate, had shewn himself willing, upon all occasions, to embrace the friendship of England, and to shake himself loose of all dependence upon his sovereign; whilst the immense body of vassals whom he could muster under his banner, and the powerful fleet with which he could sweep the northern seas, rendered his alliance or his enmity a matter of no inconsiderable consequence. After a short confinement, the king, moved, perhaps, by his descent from the ancient family of Lesley, a house of high and hereditary loyalty, restored him to liberty, after an admonition to change the evil courses to which he had been addicted, and to evince his gratitude by a life of consistent attachment to the throne. Alexander, however, after having recovered his liberty, only waited to see the king returned to his Lowland dominions, and then broke out into a paroxysm of fury and revenge. He collected the whole strength of Ross and of the Isles, and, at the head of an army of ten thousand men, grievously wasted the country, directing his principal vengeance against the crown lands, and concluding his campaign by razing to the ground the royal burgh of Inverness.[2]

James, however, with an activity for which his enemy was little prepared, instantly collected a feudal force, and

[2] Fordun a Hearne, vol. iv. p. 1285.

flew, rather than marched, to the Highlands, where, in Lochaber, he came up with the fierce but confused and undisciplined army of the island chief. Although his army was probably far inferior in numbers, yet the sudden appearance of the royal banner, the boldness with which he confronted his enemy, and the terror of the king's name, gave him all the advantage of a surprise; and before the battle began Alexander found himself deserted by the clan Chattan and the clan Cameron, who to a man went over to the royal army. It is deeply to be regretted that the account of this expedition should be so meagre, even in Bower, who was a contemporary. All those particular details, which would have given interest to the story, and individuality to the character of the persons who acted in it, and which a little pains might have then preserved, are now irrecoverably lost. We know only that the Lord of the Isles, with his chieftains and ketherans, was completely routed, and so hotly pursued by the king that he sent an embassy to sue for peace. This presumption greatly incensed the monarch; he derided the idea of an outlaw, who knew not where to rest the sole of his foot, and whom his soldiers were then hunting from one retreat to another, arrogating to himself the dignity of an independent prince, and attempting to open a correspondence by his ambassadors; and sternly and scornfully refusing to enter into any negotiation, returned to his capital, after giving strict orders to his officers to exert every effort for his apprehension.

Driven to despair, and finding it every day more difficult to elude the vigilance which was exerted, Alexander resolved at last to throw himself upon the royal mercy. Having privately travelled to Edinburgh, this proud chief, who had claimed an equality with kings, condescended to an unheard-of humiliation. Upon a solemn festival, when the monarch and his queen, attended by their suite, and surrounded by the nobles of the court, stood in front of the high altar in the church of Holyrood, a miserable-looking man, clothed only in his shirt and drawers, holding a naked sword in his hand, and with a countenance and manner in which grief and destitution were strongly exhibited, suddenly presented himself before them. It was the Lord of the Isles, who fell upon his knees, and delivering up his sword to the king, implored his clemency. James granted him his life, but instantly imprisoned him in Tantallan castle, under the charge of William, earl of Angus, his nephew. His mother, the Countess of Ross, was committed to close confinement in the ancient monastery of Inchcolm, situated in an island in the Firth of Forth.[1] She was released, however, after little more than a year's imprisonment; and the island lord himself soon after experienced the royal favour, and was restored to his lands and possessions.

This unbending severity, which in some instances approached the very borders of cruelty, was, perhaps, a necessary ingredient in the character of a monarch who, when he ascended the throne, found his kingdom, to use the expressive language of an ancient chronicle,[2] little else than a wide den of robbers. Two anecdotes of this period have been preserved by Bower, the faithful contemporary historian of the times, which illustrate in a striking manner both the character of the king and the condition of the country. In the Highland districts, one of those ferocious chieftains against whom the king had directed an act of Parliament, already quoted, had broken in upon a poor cottager, and carried off two of her cows. Such was the unlicensed state of the country, that the robber walked abroad, and was loudly accused by the aggrieved party, who swore that she would never put off her shoes again till she had carried her complaint to the king in person. "It is false," cried he; "I'll have you shod myself before you reach the court;" and with a brutality scarcely credible, the monster carried his threat into

[1] Fordun a Hearne, vol. iv. p. 1286.

[2] MS. Chronicon ab anno 1390 ad annum 1402. Cartulary of Moray, p. 220.

execution, by fixing with nails driven into the flesh two horse shoes of iron upon her naked feet, after which he thrust her wounded and bleeding on the highway. Some humane persons took pity on her; and, when cured, she retained her original purpose, sought out the king, told her story, and shewed her feet, still seamed and scarred by the inhuman treatment she had received. James heard her with that mixture of pity, kindness, and uncontrollable indignation which marked his character; and having instantly directed his writs to the sheriff of the county where the robber chief resided, had him seized within a short time, and sent to Perth, where the court was then held. He was instantly tried and condemned; a linen shirt was thrown over him, upon which was painted a rude representation of his crime; and, after being paraded in this ignominious dress through the streets of the town, he was dragged at a horse's tail, and hanged on a gallows.[1] Such examples, there can be little doubt, had an excellent effect upon the fierce classes, for a warning to whom they were intended, and caused them to associate a degree of terror with the name of the king; which accounts in some measure for the promptitude of their obedience when he arrived among them in person.

The other story to which I have alluded is almost equally characteristic. A noble of high rank, and nearly related to the king, having quarrelled with another baron in presence of the monarch and his court, so far forgot himself, that he struck his adversary on the face. James instantly had him seized, and ordered him to stretch out his hand upon the council table; he then unsheathed the short cutlass which he carried at his girdle, gave it to the baron who received the blow, and commanded him to strike off the hand which had insulted his honour and was forfeited to the laws, threatening him with death if he refused. There is little doubt, from what we know of the character of this prince, that he was in earnest; but a thrill of horror ran through the court, his prelates and council reminded him of the duty of forgiveness, and the queen, who was present, fell at his feet, implored pardon for the guilty, and at last obtained a remission of the sentence. The offender, however, was instantly banished from court.[2]

One of the most remarkable features in the government of this prince was the frequent recurrence of his parliaments. From the period of his return from England till his death, his reign embraced only thirteen years; and in that time the great council of the nation was thirteen times assembled. His object was evidently to render the higher nobles more dependent upon the crown, to break down that dangerous spirit of pride and individual consequence which confined them to their separate principalities, and taught them, for year after year, to tyrannise over their unhappy vassals, without the dread of a superior, or the restraint even of an equal, to accustom them to the spectacle of the laws, proceeding not from their individual caprice or authority, but from the collective wisdom of the three estates, sanctioned by the consent, and carried into execution by the power, of the crown acting through its ministers.

In a parliament, of which the principal provisions have been already noticed, it had been made incumbent upon all earls, barons, and freeholders to attend the meeting of the estates in person; and the practice of sending procurators or attorneys in their place, which, there seems reason to believe, had become not unfrequent, was strictly forbidden, unless due cause of absence be proved. In two subsequent meetings of the great council of the nation, the first of which appears to have been held at Perth on the 30th of September 1426, and the second on the 1st of July 1427, some important enactments occur, which evince the unwearied attention of the king to the manufactures, the commerce, the agriculture of his dominions, and to the speedy and impartial administration

[1] Fordun a Goodal, vol. ii. p. 510.

[2] Fordun a Hearne, vol. iv. pp. 1334, 1335.

of justice to all classes of his subjects.[1] It is evident, from the tenor of a series of regulations concerning the deacons of the trades, or crafts, that the government of James, probably from its extreme firmness and severity, had already become unpopular. It was first commanded that the deacons of the crafts should confine themselves strictly and simply to their duties of ascertaining, by an inspection every fifteen days, whether the workmen be sufficiently expert in their business, but it was added that they should have no authority to alter the laws of the craft, or to punish those who have offended against them; and in the parliament of 1427 it was declared that the provisions regarding the appointment of deacons of the crafts within the royal burghs having been found productive of grievous injury to the realm, were henceforth annulled; that no deacon be permitted after this to be elected, whilst those already chosen to fill this office were prohibited from exercising their functions, or holding their usual meetings, which had led to conspiracies.[2] It is possible, however, that these conspiracies may have been combinations amongst the various workmen on subjects connected with their trade, rather than any serious plots against government.

To the aldermen and council of the different towns was committed the charge of fixing the prices of the various kinds of work, which they were to regulate by an examination of the value of the raw material, and an estimate of the labour of the workman; whilst the same judges were to fix the wages given to wrights, masons, and such other handicraftsmen who contributed their skill and labour, but did not furnish the materials. Every farmer and husbandman who possessed a plough and eight oxen was commanded to sow annually a firlot of wheat, half a firlot of pease, and forty beans, under a penalty of ten shillings, to be paid to the baron of the land, for each infringement of the law; whilst the baron himself, if he either neglected to sow the same quantity within his own demesnes, or omitted to exact the penalty from an offending tenant, was made liable in a fine of forty shillings for every offence, to be paid to the king. The small quantity of beans here mentioned renders it probable that this is the era of their earliest introduction into Scotland.[3]

It would appear that although the castles of the Lowland barons, during the regencies of the two Albanies, had been maintained by their proprietors in sufficient strength, the houses of defence, and the various fortalices of the country, beyond that lofty range of hills known anciently by the name of the Mounth, had gradually fallen into decay, a state of things proceeding, without doubt, from the lawless state of these districts, divided amongst a few petty tyrants, and the extreme insecurity of life and property to any inferior barons who dared to settle within them. To remedy this evil, it was determined by the parliament that every lord who had lands beyond the Mounth, upon which, in "auld tymes," there were castles, fortalices, or manor places, should be compelled to rebuild or repair them, and either himself to reside therein, or to procure a friend to take his place. The object of the statute is described to be the gracious government of the lands by good polity, and the happy effects which must result from the produce of the soil being consumed upon the lands themselves where it was grown,—an error, perhaps, in civil policy, but which evinced, even in its aberration, an anxiety to discover the causes of national prosperity, which is remarkable for so remote a period.[4]

The extreme jealousy with which the transportation of money, or bullion, out of the realm, had always been regarded was carried to an extraordinary height in the parliament of the 1st of July 1427, for we find an enactment, entitled, "Anent the finance of clerks

[1] Acts of the Parliament of Scotland, vol. ii. pp. 13, 14.
[2] Ibid.
[3] Acts of the Parliament of Scotland, vol. ii. p. 13.
[4] Ibid.

by which all such learned persons proposing to go beyond seas were strictly enjoined either to make change of their money, which they had allotted for the expenses of their travel, with the money-changers within the realm, or at least with the merchants of the country." The same act was made imperative upon all lay travellers; and both clerks and laymen were commanded not to leave the country before they had duly informed the king's chancellor of the exchange which they had transacted, and of the object of their journey.

Some of the most important regulations in this parliament of July 1427 regarded the administration of civil and criminal justice, a subject upon which the king appears to have laboured with an enthusiasm and assiduity which evinces how deeply he felt the disorders of this part of the government. It was first declared that all persons who should be elected judges, in this or any succeeding parliament, for the determination of causes or disputes, should be obliged to take an oath that they will decide the questions brought before them to the best of their knowledge, and without fraud or favour. In the settlement of disputes by arbitration, it was enacted that for the future, where the arbiters consist of clerks, a churchman, having the casting vote, was to be chosen by the bishop of the diocese, with advice of his chapter; where the case to be determined had arisen without burgh, between the vassals of a baron or others, the oversman having the casting vote was to be chosen by the sheriff, with advice of the lord of the barony; and if the plea took place between citizens within burgh, the provost and his council were to select the oversman, it being specially provided that for the future all arbitrations were to be determined, not by an even, but an uneven number of arbiters.[1] With regard to the case of Scottish merchants dying abroad in Zealand, Flanders, or other parts of the continent, if it be certain that they were not resident in these parts, but had merely visited them for the purposes of trade, all causes or disputes regarding their succession, or their other transactions, were declared cognisable by the ordinary judge within whose jurisdictions their testaments were confirmed; even although it was proved that part of the property of the deceased trader was at that time in England, or in parts beyond seas.

In a general council held at Perth on the 1st of March 1427 a change was introduced relative to the attendance of the smaller barons and free tenants in parliament, which, as introducing the principle of representation, is worthy of particular attention. It was determined by the king, with consent of his council general, that the small barons and free tenants needed not to come hereafter to parliaments nor general councils, provided that from each sheriffdom there be sent two or more *wise men*, to be chosen at the head court of each sheriffdom, in proportion to its size. An exception, however, was introduced with regard to the sheriffdoms of Clackmannan and Kinross, which were directed to return each a single representative. It was next declared that by these commissaries in a body there should be elected an expert man, to be called the Common Speaker of the Parliament, whose duty it should be to bring forward all cases of importance involving the rights or privileges of the commons; and that such commissaries should have full powers intrusted to them by the rest of the smaller barons and free tenants to discuss and finally to determine what subjects or cases it might be proper to bring before the council or parliament. It was finally ordained that the expenses of the commissaries and of the speaker should be paid by their electors who owed suit and presence in the parliament or council, but that this new regulation should have no interference with the bishops, abbots, priors, dukes, earls, lords of parliament, and bannerets, whom the king declared he would continue to summon by his special precept.[2] It is probable

[1] Acts of the Parliament of Scotland, vol. ii. p. 14.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 15, 16, cap. 2.

that in this famous law, James had in view the parliamentary regulations which were introduced into England as early as the reign of Henry the Third, relative to the elections of knights of the shire, and which he had an opportunity of observing in full force, under the fourth and fifth Henries, during his long residence in England.[1] As far as we can judge from the concise, but clear, expressions of the act itself, it is evident that it contained the rude draught or first embryo of a Lower House, in the shape of a committee or assembly of the commissaries of the shires, who deliberated by themselves on the proper points to be brought before the higher court of parliament by their speaker.

It is worthy of remark that an institution which was destined afterwards to become the most valuable and inalienable right of a free subject—that of appearing by his representatives in the great council of the nation—arose, in the first instance, from an attempt to avoid or to elude it. To come to parliament was considered by the smaller barons who held of the crown *in capite* an intolerable and expensive grievance; and the act of James was nothing else than a permission of absence to this numerous body on condition of their electing a substitute, and each paying a proportion of his expenses.

In the same parliament other acts were passed, strikingly illustrative of the condition of the country. Every baron, within his barony, was directed, at the proper season, to search for and slay the wolves' whelps, and to pay two shillings a-head for them to any man who brought them: the tenants were commanded to assist the barons on all occasions when a wolf-hunt was held, under the penalty of "a wedder" for non-appearance; and such hunts were to take place four times in the year: no cruves, or machines for catching fish, were to be placed in waters where the tide ebbed and flowed, for three years to come: where the merchants trading to the continent could not procure Scottish ships, they were permitted to freight their cargoes in foreign vessels: no lepers were to dwell anywhere but in their own hospitals, at the gate of the town, or other places without the bounds of the burgh; strict inquiries were directed to be made by the officials of the bishops, in their visitations, with regard to all persons, whether lay or secular, who might be smitten with this loathsome disease, so that they should be denounced, and compelled to obey the statute; and no lepers were to be allowed to enter any burgh, except thrice in the week,—on Mondays, Wednesdays, and Fridays, between the hours of ten and two, for the purpose of purchasing their food; if, however, a fair or market happened to be held on any of these days, they were to come in the morning, and not to mix indiscriminately with the multitude.

If any clerk, whether secular or religious, were desirous of passing beyond seas, it was made incumbent on him first to come to his ordinary to shew good cause for his expedition, and to make faith that he should not be guilty of any kind of simony or "*barratrie*," a word meaning the purchasing of benefices by money. All such defaulters or "barratoures" were to be convicted, under the statute already made against those who carried money out of the realm; and not only who were convicted of this crime in time to come, but all now without the realm, being guilty of it, were made liable to the penalties of the statute, and none permitted either to send them money, or to give them assistance, to whatever rank or dignity in the Church they may have attained.[2] It was enacted that no man should dare to interpret the statutes contrary to their real meaning, as understood by those who framed them; and that the litigants in any plea should attend at court simply accompanied by their councillors and "forespeakers," and such sober retinue as befitted their estate, and not

[1] Rapin's Acta Regia, vol. i. p. 41. Statutes of the Realm, vol. ii. pp. 156, 170, 235.

[2] Acts of the Parliament of Scotland, vol. ii. p. 16. Skene, De Verborum Significatione, voce Barratrie.

with a multitude of armed followers on foot or horseback.

In the same general council some strict regulations occur regarding the prices charged by various craftsmen, such as masons, smiths, tailors, weavers, and the like, who had been in the practice of insisting upon a higher price for their labour than they were by law entitled to. Wardens of each craft were directed to be yearly elected in every burgh, who, with the advice of other discreet and unsuspected men, were to examine and estimate the materials and workmanship of every trade, and fix upon it a certain price, not to be exceeded by the artificer, under the forfeiture of the article thus overcharged. In lands without the burgh the duty of the warden was to be performed by the baron, and the sheriff to see that he duly performs it. The council concluded by an act imposing a penalty of forty shillings upon all persons who should slay partridges, plovers, black-cocks, gray-hens, muir-cocks, by any kind of instrument or contrivance, between lentryn and August.

It may be remarked that the meeting of the three estates in which these various enactments were passed is not denominated a parliament, but a general council—a term possibly implying a higher degree of solemnity, and conferring perhaps upon the statutes passed in it a more unchallengeable authority than the word parliament. It is difficult, however, to understand the precise distinction, or to discover wherein this superior sanctity consists; for, in looking to its internal constitution, we find that the members who composed the general council were exactly the same as those who sat in the parliament; the bishops, abbots, priors, earls, barons, and free tenants who held of the king *in capite*, and certain burgesses from every burgh in the kingdom, "some of whom were absent upon a legitimate excuse, and others contumaciously, who, on this account, were found liable in a fine of ten pounds."[1] Within four months after the meeting of this last general council, the king convoked another solemn assembly of the same description at Perth, on the 12th of July 1428, in which it was determined that all successors of prelates, and all the heirs of earls, barons, and free tenants of the crown, should be bound before they were permitted to enter into possession of their temporalities or their estates, to take the same oath of allegiance to the queen which they had sworn to the sovereign—a regulation by which the king, in the event of his death, prepared his subjects to regard the queen as regent, and endeavoured to guard against those convulsions which were too likely to arise during a minority.[2]

It is time, however, to return from this history of our early legislation to the course of our narrative. Although gradually gaining ground, France was still grievously oppressed by the united attacks of England and Burgundy; and Charles the Seventh, esteeming it of consequence to secure the friendship and assistance of Scotland, followed up the betrothment between James's only daughter and the Dauphin by a contract of marriage, for which purpose the Archbishop of Rheims, and Stuart, lord of Darnley and count of Dreux, again visited Scotland. Instead of a dower, which Scotland was at that time little able to offer, James was requested to send to France six thousand soldiers; and the royal bride was, in return, to be provided in an income as ample as any hitherto settled upon the queens of France. In addition to this, the county of Xaintonge and the lordship of Rochfort were to be made over to the Scottish king; all former alliances were to be renewed and ratified by the mutual oaths of the two monarchs; and the French monarch engaged to send transports for the passage of the Scottish soldiers to France.

The extraordinary rise and splendid military successes of the Maid of Orleans, which occurred in the year immediately following this embassy, rendered it unnecessary for the French

[1] Acts of the Parliament of Scotland, vol. ii. p. 15.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 16, 17.

king to insist upon this article in the treaty; but the jealousy and apprehensions of England were roused by the prospect of so intimate an alliance, and the Cardinal Beaufort, the uncle of James's queen, who at this time was one of the leading directors in the government of England, made proposals for an interview upon the marches between the Scottish monarch and himself, for the purpose of consulting upon some affairs intimately connected with the mutual weal and honour of the two realms. James, however, seems to have considered it beneath the dignity of an independent sovereign to leave his kingdom and engage in a personal conference with a subject, and the meeting never took place.[1] The two countries, however, fortunately continued on amicable terms with each other, and time was given to the Scottish monarch to pursue his schemes of improvement, and to evince his continued zeal for everything which affected the happiness of his subjects and the internal prosperity of his kingdom.

It appears that at this period the poor tenants and labourers of the soil had been reduced to grievous distress by being dispossessed of their farms, and turned out of their cottages, whenever their landlord chose to grant a lease of the estate, or dispose of it to a new proprietor; and such was then the enslaved condition of the lower classes in Scotland that the king, who was bound to respect the laws which affected the rights of the feudal lords, could not of his own authority ameliorate the condition of the labourers. He made it a request, however, to the prelates and barons of his realm, in a parliament held at Perth on the 26th of April 1429, that they would not summarily and suddenly remove the husbandmen from any lands of which they had granted new leases, for the space of a year after such transaction, unless where the baron to whom the estate belonged proposed to occupy the lands himself, and keep them for his own private use; a benevolent enactment, which perhaps may be regarded as the first step towards that important privilege, which was twenty years afterwards conceded to the great body of the farmers and labourers, and which is known in Scottish law under the name of the real right of tack.[2]

A sumptuary law was passed at the same time, by which it was ordered that no person under the rank of knight, or having less than two hundred marks of yearly income, should wear clothes made of silk, adorned with the richer kinds of furs, or embroidered with gold or pearls. The eldest sons or heirs of all knights were permitted to dress as sumptuously as their fathers; and the aldermen, bailies, and council of the towns, to wear furred gowns; whilst all others were enjoined to equip themselves in such grave and honest apparel as befitted their station, that is to say, in "serpis, beltis, uches, and chenzies." In these regulations, the apparel of the women was not forgotten. The increasing wealth and luxury of the commercial classes had introduced a corresponding, and, as it was then esteemed, an unseemly magnificence in the habiliments of the rich burghers' wives, who imitated, and in all probability exaggerated, the dresses of the ladies of the court. It was commanded that neither commoners' wives nor their servants should wear long trains, rich hoods or ruffs, purfled sleeves, or costly "curches" of lawn; and that all gentlemen's wives should take care that their array did not exceed the personal estate of their husband.[3]

All persons who were possessed of property affording a yearly rent of twenty pounds, or of movable goods to the value of a hundred pounds, were to be well horsed, and armed "from head to heel," as became their rank as gentlemen; whilst others of inferior wealth, extending only to ten pounds in rent, or fifty pounds in goods, were bound to provide them-

[1] Rymer, vol. x. p. 410. Rotuli Scotiæ, vol. ii. p. 264.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 17, 35.

[3] Ibid. 17, 18.

selves with a gorget, rearbrace, vantbrace, breastplate, greaves, and legsplints, and with gloves of plate, or iron gauntlets. The arms of the lower classes were also minutely detailed. Every yeoman whose property amounted to twenty pounds in goods was commanded to arm himself with a good doublet of fence, or a habergeon, an iron hat, or knapscull, a bow and sheaf of arrows, a sword, buckler, and dagger. The second rank of yeomen, who possessed only ten pounds in property, were to provide for themselves a bow and sheaf of arrows, a sword, buckler, and dagger; whilst the lowest class of all, who had no skill in archery, were to have a good "*suir*" hat, a doublet of fence, with sword and buckler, an axe also, or at least a staff pointed with iron. Every citizen or burgess possessing fifty pounds in property was commanded to arm himself in the same fashion as a gentleman; and the burgess yeoman of inferior rank, possessing property to the extent of twenty pounds, to provide a doublet and habergeon, with a sword and buckler, a bow and sheaf of arrows, and a knife or dagger. It was finally made imperative on the barons within their barony, and the bailies within burgh, to carry these enactments into immediate execution, under certain penalties or fines, which, in the event of failure, were to be levied by the sheriff of the county.[1]

In the late rebellion of the Lord of the Isles the want of a fleet had been severely felt, and these statutes regarding the land force of the country were followed by other regulations of equal importance concerning the establishment of a navy,—a subject which we have seen occupying the last exertions of Bruce.

All barons and lords possessing estates within six miles of the sea, in the western and northern portions of the kingdom, and opposite the isles, were commanded to contribute to the building and equipment of galleys for the public service, in the proportion of one oar to every four marks' worth of land,[2] and to have such vessels ready to put to sea within a year. From this obligation all such barons as held their lands by the service of finding vessels were of course excepted, they being still bound to furnish them according to the terms of their charter. In the event of any merchant-ships having been wrecked upon the coast, the confiscation of their cargoes to the king, or their preservation for their owners, was made dependent upon the law respecting wrecks in the country to which such vessels belonged; it being just that they should receive from foreign governments the same protection which it was the practice of their government to extend to foreign vessels. It was enacted in the same parliament that all advocates, or forespeakers, who were employed in pleading causes in any temporal court, and also the parties litigant, if they happened to be present, should swear, before they be heard, that the cause which they were about to plead was just and true, according to their belief; or, in the simple words of the act itself, "that they trow the cause is gude and lele that they shall plead."

In the same year, to the great joy of the monarch and the kingdom, his queen was delivered of twin sons, whose baptism was celebrated with much solemnity, one of them being named Alexander, probably after Alexander the Third, whose memory was still dear to the people, and the other James. At the font the king created both these infants knights, and conferred the same honour on the youthful heirs of the Earl of Douglas, the Chancellor, Lord Crichton, Lord Borthwick, Logan of Restalrig, and others of his nobility.[3] The first of these boys died very young, but the second, James, was destined to succeed his father in the throne.

The truce with England was now on the point of expiring, and the king, who was anxious to concentrate his

[1] Acts of the Parliament of Scotland, vol. ii. p. 18.

[2] Acts of the Parliament of Scotland, vol. ii. p. 19. What is here the precise value of an oar cannot be discovered from any expression in the act.

[3] Fordun a Goodal. vol. ii. p. 490.

whole efforts upon the pacification of the northern parts of his dominions, and whose unremitted attention was required at home to carry his new laws into execution, felt equally disposed with Henry the Sixth to negotiate for a renewal of the armistice, and to discuss the possibility of concluding a permanent peace. For this purpose, a meeting took place between commissioners from both nations, who concluded a truce for five years, from the 1st of April 1431, in the provisions of which an anxious desire was manifested on both sides to adopt every possible expedient for restraining the intolerable lawlessness of the Border warfare. In the same truce various rude accommodations to each other's commerce were agreed upon by the governments of the sister kingdoms; it was forbidden to seize merchants, pilgrims, and fishers of either country, when driven into strange ports by stress of weather; shipwrecked men were to be allowed to pass to their own homes; in cases of piracy, not only the principal aggressors, but all who had encouraged the adventure or received the plunder, were to be liable in compensation, and amenable to punishment; and it was lastly agreed that no aggressions by the subjects of either kingdom should occasion a breach of the truce.[1]

Having concluded this measure, James found himself at leisure to take into consideration the condition of the Highlands, which, notwithstanding the severity of the examples already made, called loudly for his interference. Donald Balloch, a near relation of the Lord of the Isles, enraged at what he deemed the pusillanimous submission of his kinsman, having collected a fleet and an army in the Hebrides, ran his galleys into the neck of sea which divides Morven from the little island of Lismore, and, disembarking at Lochaber, broke down upon that district with all the ferocity of northern warfare, cutting to pieces a superior force commanded by Alexander, earl of Mar, and Alan Stewart, earl of Caithness, whom James had stationed there for the protection of the Highlands. The conflict took place at Inverlochy; and such was the fury of the attack, that the superior discipline and armour of the Lowland knights was unavailing against the broadswords and battle-axes of the islesmen. The Earl of Caithness, with sixteen of his personal retinue, and many other barons and knights, were left dead on the field; while Mar, with great difficulty, succeeded in rescuing the remains of the royal army. From the result of this battle, as well as the severe loss experienced at Harlaw, it was evident that the islesmen and the ketherans were every day becoming more formidable enemies, and that their arms and their discipline must have been of late years essentially improved. Donald Balloch, however, notwithstanding the dispersion of the royal army, appears to have considered it hazardous to attempt to follow up his success; and having ravaged Lochaber, and carried off as much plunder as he could collect, re-embarked in his galleys, retreated first to the isles, and afterwards to Ireland.[2]

About the same time, in the wild and remote county of Caithness, a desperate conflict took place between Angus Dow Mackay and Angus Murray, two leaders of opposite septs or clans, which, from some domestic quarrel, had arrayed themselves in mortal opposition. They met in a strath or valley upon the water of Naver; when such was the ferocity and exterminating spirit with which the battle was contested, that out of twelve hundred only nine are said to have remained alive;[3] an event which, considering the infinite mischiefs lately occasioned by their lawless and undisciplined manners, was perhaps considered a subject rather of congratulation than of regret to the kingdom.

These excesses, however, for the

[1] Rymer, Fœdera, vol. x. p. 482. See M'Pherson's Annals of Commerce, vol. i. p. 646.

[2] Fordun a Hearne, vol. iv. p. 1289. Extracta ex Chronicis Scotiæ, p. 277.

[3] Fordun a Goodal, vol. ii. p. 491.

time, had the effect of throwing the whole of the northern parts of the country into a state of tumult and rebellion; and the king having collected an army, summoned his feudal barons to attend him, and determined to proceed against his enemies in person. With some of the most powerful of the nobility, this northern expedition seems to have been unpopular; and the potent Earl of Douglas, with Lord Kennedy, both of them nephews to James, were committed to ward in the castles of Lochleven and Stirling, probably from some disgust expressed at the royal commands.[1] The rendezvous was appointed at Perth, where, previous to his northern expedition, a parliament was held on the 15th of October; and to defray the expenses of the undertaking, a land-tax, or "*zelde*," was raised upon the whole lands in the kingdom, ecclesiastical as well as temporal. Its amount was declared to be ten pennies in every pound from those lands where, upon a former occasion, the tax of two pennies had been levied, and twelve pennies in the pound out of all lands which had been excepted from the payment of this smaller contribution. At the same time, the king directed his justices to take proper measures for the punishment of those vassals who had disobeyed his summons, and absented themselves from the host; and, with the intention of passing into the Western Isles, and inflicting exemplary vengeance against the pirate chiefs who had joined Donald Balloch, he proceeded to Dunstaffnage castle. Here he found himself in a short time surrounded by crowds of suppliant island lords, who, dreading the determined character of James, were eager to make their submission, and to throw the whole blame of the rebellion upon Balloch, whose power they dared not resist. By their means three hundred of the most noted thieves and robbers were seized and led to immediate execution; and soon after Donald Balloch was himself betrayed by one of the petty kings of Ireland, who, having entered into a secret treaty with James, cut off his head, and sent it to the king.[2]

It was at this period that the pestilence again broke out in Scotland; but the visitation, although sufficiently dreadful, appears to have assumed a less fatal character than that which in 1348 carried off almost a third part of the population of the kingdom. The winter had been unusually severe and stormy, and the cold so intense, that not only the domestic cattle, but the hardier beasts of the chase, almost entirely perished. It is difficult in the meagre annals of contemporary historians to detect anything like the distinguishing symptoms of this awful scourge. In contradistinction to the pestilences which, in 1348, 1361, and 1378, had committed such fatal ravages, Bower denominates this the "pestilentia volatilis;"[3] and we know that, having first appeared at Edinburgh in the month of February 1430, it continued throughout the year 1432, at which time it was prevalent in Haddington;[4] while in the year immediately preceding, (1431,) during the parliament which was held at Perth in October, the volatile character of the disease seems to be pointed out by the provision that the collectors of the land-tax should be obliged to arrange their accounts on the Feast of the Purification of the Virgin, next to come, "at Perth, provided the pestilence be not there, and if it is there, at Saint Andrews."[5] The inclemency of the season, the poverty of the lower classes, and the dreadful ravages occasioned by private war, and by the ferocity of the northern clans, must have greatly increased the distresses occasioned by such a calamity; and

[1] Fordun a Hearne, vol. iv. p. 1288.

[2] Acts of the Parliament of Scotland, vol. ii. p. 20. Buchanan, book x. chap. xxxiii. xxxvi. It is singular that James's expedition against his northern rebels in 1431 is not mentioned either by Fordun, or Bower in his Continuation; yet that such an expedition took place, the Acts of the Parliament held at Perth, 15th of October 1431, afford undoubted evidence.

[3] Fordun a Goodal, vol. ii. pp. 347, 365, 391, 490.

[4] Extracta ex Chronicis Scotiæ, p. 277.

[5] Acts of Parliament, vol. ii. p. 20.

it appears from the accounts of our contemporary chroniclers, that during the height of the ravages which the pestilence occasioned, the popular mind, under the influence of terror and ignorance, became agitated with frightful stories and wild and romantic superstitions. A total eclipse of the sun, which occurred on the 17th of June 1432, increased these terrors, the obscuration beginning at three in the afternoon, and for half an hour causing a darkness as deep as midnight. It was long remembered in Scotland by the name of the Black Hour.[1]

The continuance of the successes of the French, and the repeated defeats which the English had experienced, now rendered it of importance to the government of Henry the Sixth to make a serious effort for the establishment of a lasting peace with Scotland; and for this purpose Lord Scrope proceeded as envoy to the court of James, with proposals so decidedly advantageous, that it is difficult to account for their rejection. The English king, he declared, was ready to purchase so desirable a blessing as a peace by the delivery of Roxburgh and Berwick into the hands of the Scots, and the restitution of all that had anciently belonged to their kingdom. Anxious to obtain the advice of his parliament upon so momentous an offer, James appointed a general council of the whole states of the realm to be held at Perth in October,[2] in which he laid before them the proposals of England.

The whole body of the temporal barons agreed in the expediency of entering upon an immediate negotiation, preparatory to a treaty of peace, and the majority of the prelates and higher Churchmen concurred in this proposal; but amongst the minor clergy there existed a party attached to the interests of France, which was headed by the Abbots of Scone and Inchcolm. They warmly contended that, considering the engagements with that country, and the treaty of marriage and alliance which the king had lately ratified, it was impossible to accept the proposals of England, consistently with his honour, and the regard due to a solemn agreement, which had been examined by the University of Paris, and had received the ratification of the Pope. These arguments were seconded by the Abbot of Melrose, and with much violence opposed by Lawrence of Lindores, who, as the great inquisitor of all heretical opinions, imagined that he detected in the propositions of his brethren of the Church some tenets which were not strictly orthodox. This led to a warm reply, and the debate, instead of a temperate discussion of the political question which had been submitted to the parliament, degenerated into a theological controversy of useless length and bitterness, which unfortunately led, in the first instance, to a delay of the principal business, and ultimately to a rejection of all proposals of peace.[3]

The succeeding year was barbarously signalised by the trial and condemnation of Paul Crawar, a Bohemian, who was burnt for heresy at St Andrews on the 23d of July. He had been sent by the citizens of Prague, who had adopted the tenets of Wickliff, to open an intercourse with their brethren in Scotland. Of these earnest inquirers after truth there appears to have been a small sect, who, undaunted by the dreadful fate of Resby, continued secretly to examine the alleged errors of the Catholic Church, and to disseminate what they contended were principles more orthodox and scriptural. Crawar was a physician, and came into Scotland with letters which spoke highly of his eminence in his art; but he seized every opportunity of inculcating principles contrary to the established doctrines of the Church; and the inquisitor, Lawrence of Lindores, arraigned him before his court, and entered into a laboured confutation of his opinions. He found him, however, not only a courageous, but, according to the admission of his ene-

[1] Fordun a Hearne, vol. iv. p. 1307.

[2] Ibid. vol. iv. p. 1308. I do not find in Rymer's Fœdera, in the Acts of the Parliament, or in the Rotuli Scotiæ, any deed throwing light upon this transaction.

[3] Fordun a Hearne, vol. iv. pp. 1309, 1310.

mies, a singularly acute opponent. In theological controversy, in an acquaintance with the sacred Scriptures, and in the power of prompt and apposite quotation, the Bohemian physician was unrivalled; but it was soon discovered that he had adopted all the opinions of the disciples of Wickliff and of the heretics of Prague, and that his profession of a physician was merely a cloak to conceal his real character as a zealous reformer.

That he had made many converts there can be no doubt, from the expressions used by Bower; and the laboured exposition and denunciation of his errors, which is given by the historian, contains evidence that his opinions were on some points those of Wickliff, which had been propagated twenty-six years before by Resby. He and his followers taught that the Bible ought to be freely communicated to the people; that, in a temporal kingdom, the spiritual power should be subservient to the civil; that magistrates had a right to arraign, on trial, and to punish delinquent ecclesiastics and prelates; that purgatory was a fable; the efficacy of pilgrimages an imposition; the power of the "keys," the doctrine of transubstantiation, and the ceremonies of absolution, a delusion and invention of man. The historian adds, that this sect denied the resurrection of the dead, recommended a community of goods, and that their lives were gross and licentious.[1] In the celebration of the Lord's Supper they departed entirely from the solemnities which distinguished this rite in the usage of the Catholic Church. They used no splendid vestments, attended to no canonical hours or set form of words, but began the service at once by the Lord's Prayer; after which they read the history of the institution of the Supper as contained in the New Testament, and then proceeded to distribute the elements, using common bread and a common drinking-cup or goblet.[2]

These practices and principles, in some of which we can recognise not merely a dawning, but nearly a full development of the tenets of Luther, excited a deep alarm amongst the clergy, who found a warm supporter in the king. James had been brought up in a cruel and selfish school; for both Henry the Fourth and his son were determined persecutors, and the price which they did not scruple to pay for the money and the influence of the clergy was the groans and tortures of those who sealed their confession with their blood. A familiarity with religious persecution, and an early habit of confounding it with a zeal for the truth, became thus familiar to the mind of the youthful king; and the temptations to favour and encourage his clergy, as a check and counterpoise to the power of his nobles, was not easily resisted. When, accordingly, Lawrence of Lindores, the inquisitor of heresy, became ambitious to signalise the same controversial powers against Crawar which he had already exerted in the confutation of Resby, he found no difficulties thrown in his way. The Bohemian reformer was seized, arraigned, confuted, and condemned; and as he boldly refused to renounce his opinions, he was led to the stake, and gave up his life for the principles he had disseminated, with the utmost cheerfulness and resolution.[3] The great council of Basle, which was held at this time, had taken special cognisance of the errors of Wickliff; and as the Bishops of Glasgow and Moray, with the Abbot of Arbroath, and many of the Scottish nobles, attended at this solemn assembly of the Church, it is probable that their increased devotion to the Catholic faith, and anxiety for the extermination of heretical opinions in their own country, proceeded from their late intercourse with this great theological convocation.[4]

In the midst of his labours for the pacification of his northern dominions, and his anxiety for the suppression of heresy, the king never forgot his great plan for the diminution of the exor-

[1] Fordun a Goodal, vol. ii. pp. 495, 496.
[2] Ibid. vol. ii. p. 495.
[3] Fordun a Goodal, vol. ii. pp. 442, 495.
[4] Rotuli Scotiæ, vol. ii. pp. 276, 284.

bitant power of the nobles; and with this view he now disclosed a design of a bold character, but which, however expedient, was scarcely reconcilable to the principles of justice. The strong castle of Dunbar, and the extensive estate, or rather principality, of the Earl of March, since the days of David the First, had been a perpetual thorn in the side of the Scottish government; its situation having enabled each successive earl to hold in his hands a power far too great for any subject. It was a common saying, that March held the keys of the kingdom at his girdle. The possession of the various castles which commanded the passes permitted him to admit an enemy at pleasure into the heart of the country, and almost rendered the prosperity of the nation dependent upon the fidelity of a single baron. These circumstances, accordingly, had produced the effects which might have been anticipated; and the Earls of March had shewn themselves for many generations the most ambitious and the most intriguing of the whole race of Scottish nobles; as pre-eminent in their power as they were precarious in their loyalty.

The conduct of the father of the present earl had been productive of infinite distress and misery to Scotland. Disgusted at the affront offered to his daughter by the Duke of Rothesay's breach of his betrothed promise, and by his subsequent marriage with the house of Douglas, he had fled to England in 1401, and for eight years had acted the part of an able and unrelenting renegade. He had ravaged Scotland in company with Hotspur; he had been the great cause of the disastrous defeat at Homildon; his military talents were still more decidedly displayed upon the side of Henry the Fourth at Shrewsbury; and his son, the earl, against whom James now resolved to direct his vengeance, had defeated the Scots at West Nesbit. After the accession of Albany to the kingdom, the elder March, in 1408, returned to his native country; and having been restored to his estates, which had been forfeited to the crown in consequence of his rebellion, he continued in the quiet possession of them till his death, which happened in 1420.

He was succeeded by his son, George, earl of March, a baron who, with the single exception of having fought against the Scots at Nesbit, does not appear to have inherited any part of his father's versatility; and who, although arrested by James at the time when Duke Murdoch was imprisoned, shared that fate in common with many others of the nobility, who seem to have purchased their peace with the king by sitting upon the jury which condemned his unfortunate cousin. It was a remarkable feature, however, in the character of this monarch, that he retained his purposes with a steadiness and patience that gave little alarm, while it enabled him quietly to watch his opportunity; that he was calculating upon the removal of obstacles, and smoothing the road for the execution of his designs, when no one suspected that such designs existed. In the parliament held at Perth, on the 15th of October 1431, it had been declared by the three estates[1] that the governor of the realm, during the period of his government, had no power to alienate any lands which, by the decease of a bastard, might have fallen to the crown; and that, on this ground, the donation of the lands of Yetholm, which had been made by Albany, when governor, to Adam Ker, was of none effect, although it had been completed by feudal investiture. It is very probable that, at this or a subsequent period, other enactments may have been passed relative to the power possessed by the king to resume such estates as, having once been forfeited for treason, had been restored by the governor. No record of such, however, remains; and we only know that James, having felt his way, and being probably sure of his own strength, determined on the resumption of the immense estates of March into the hands of the crown.

A parliament was accordingly assembled at Perth, on the 10th of

[1] Acts of the Parliament of Scotland, vol. ii. p. 20.

January 1434, and its first proceeding was to select a committee of nine persons, including three of the clergy, three of the barons, and three of the burgesses, to determine all causes which might be brought before them. The Abbots of Scone and of St Colm,[1] the Provost of the collegiate church of Methven, Sir Robert Stewart of Lorn, Sir Thomas Somerville of Somerville, and Sir Walter Haliburton of Dirleton, along with John Spens of Perth, Thomas Chambers of Aberdeen, and James Parkle of Linlithgow, were the judges chosen upon this occasion; but whether the important cause relating to the earldom of March came before them, or was pleaded in presence of the whole body of the parliament, is not easily ascertained. It is certain that the question regarding the forfeiture of the property, and its reversion to the crown, in consequence of the treason of the late Earl of March, was discussed with all due solemnity by the advocates or prolocutors of the king, and of the earl then in possession; after which, this baron and his counsel being ordered to retire, the judges considered the reasons which had been urged on both sides, and made up their opinion upon the case. March and his prolocutors were then readmitted, and the doomster declared it to be the decision of the parliament that, in consequence of the forfeiture of Lord George of Dunbar, formerly Earl of March, all title of property to the lands of the earldom of March and lordship of Dunbar, with whatever other lands the same baron held of the crown, belonged of right to the king, and might immediately be insisted on.[2]

Against this measure, which in a moment reduced one of the most powerful subjects in the realm to the condition of a landless dependant upon the charity of the crown, it does not appear that the earl or his friends dared to offer any remonstrance or resistance. They probably knew it would be ineffectual, and might bring upon them still more fatal consequences; and James proceeded to complete his plan for the security of the kingdom by taking possession of the forfeited estate, and delivering the keeping of the castle of Dunbar, which he had seized in the preceding year, to Sir Walter Haliburton of Dirleton. He then, to soften in some degree the severity of his conduct, conferred upon March the title of Earl of Buchan, and assigned to him, out of the revenues of that northern principality, an annual pension of four hundred marks. That noble person, however, full of resentment for the cruelty with which he had been treated, disdained to assume a title which he regarded as only a mark of his degradation; and almost immediately after the judgment, bidding adieu to his country, in company with his eldest son, retired to England.[3] Although this extraordinary proceeding appears not to have occasioned any open symptoms of dissatisfaction at the moment, it is impossible to conceive that it should not have roused the jealousy and alarmed the minds of the great body of the feudal nobility. It cannot, perhaps, be pronounced strictly unjust; yet there was a harshness, it may almost be said a tyranny, in the manner in which such princely estates were torn from the family, after they had been possessed for twenty-six years without challenge or remonstrance.

During the long usurpation of Albany, many of the nobles had either acquired, or been permitted to retain their lands, upon tenures in every respect as unsound as that by which March possessed his earldom, and none knew whether they might not be the next victims. A dark suspicion that the life of the king was incompatible with their security and independence began secretly to infuse itself into their minds; and from a proceeding which took place before the dissolution of the parliament, the monarch himself appears to have been aware of the probability of conspiracy, and to have contemplated the possibility of his

[1] Walter Bower, the excellent Continuator of Fordun.

[2] Acts of the Parliament of Scotland, vol. ii. p. 23.

[3] Rotuli Scotiæ, vol. ii. p. 293.

being suddenly cut off in the midst of his schemes for the consolidation of his power. He did not allow them to separate and return to their homes, before the whole lords of parliament temporal and spiritual, as well as the commissaries of the burghs, had promised to give their bonds of adherence and fidelity to their sovereign lady the queen.[1]

About the same time the king acquired a great accession of property and power by the death of Alexander Stewart, the famous Earl of Mar, and a natural son of the Earl of Buchan, James's uncle. The estates of this wealthy and potent person, who, from a rude and ferocious Highland freebooter, had become one of the ablest captains and most experienced statesmen in the nation,[2] reverted upon his death to the crown, upon the ground of his bastardy. The humiliation of the hated race of Albany was now complete. Murdoch and his sons, with the Earl of Lennox, had perished on the scaffold, and their whole estates had reverted to the crown; although the Earl of Buchan, who was slain at Verneuil, had left an only daughter, to whom the title belonged, by a stretch of power bordering upon injustice, the title had been bestowed upon the disinherited March, and now the immense estates of the Earl of Mar, the natural son of Buchan, reverted to the crown. The power of the king became thus every day more formidable; but it was built upon the oppression of his feudal nobility, a set of men with whom it was considered a meanness to forget an injury, and whose revenge was generally deep and terrible—and so the result shewed.

Entirely occupied with a vain and unsuccessful effort to retain their conquests in France, the English government evinced every anxiety to preserve inviolate the truce with Scotland; but the spirit of Border hostility could not be long restrained, and Sir Robert Ogle, from some cause which is not easily discoverable, broke across the marches, at the head of a strong body of knights and men-at-arms. He was met, however, and totally routed, near Piperden, by the Earl of Angus, Hepburn of Hailes, and Sir Alexander Ramsay of Dalhousie, he himself being taken captive, forty slain, and nearly the whole of his party made prisoners.[3] James violently remonstrated against this unprovoked infraction of the truce, and, in his letters to the English regency, insisted upon immediate redress; but his complaints were overlooked or rejected, and the king was not of a temper to bear such an affront with tameness, or to forget it when an opportunity for retaliation occurred.

These indignant feelings were increased by an occurrence which followed soon after the conflict at Piperden. The Dauphin of France, who had been betrothed to Margaret, the daughter of the Scottish king, had now attained his thirteenth year, and the princess herself was ten years old: it was accordingly resolved to complete the marriage; and with this view, two French envoys having arrived in Scotland, the youthful bride was sent to the court of the King of France, accompanied by a splendid train of the nobility. The fleet which carried her to her future kingdom, where her lot was singularly wretched, was commanded by the Earl of Orkney, William Sinclair. The Bishop of Brechin, Sir Walter Ogilvy the treasurer, Sir Herbert Harris, Sir John Maxwell of Calderwood, Sir John Campbell of Loudon, Sir John Wishart, and many other barons, attended in her suite. They were waited on by a hundred and forty youthful squires, and a guard of a thousand men-at-arms; and the fleet consisted of three large ships and six barges.[4]

In defiance of the truce which then subsisted between the two kingdoms, the English government determined, if possible, to intercept the princess upon her passage to France, and for this purpose fitted out a large fleet,

[1] Acts of the Parliament of Scotland, vol. ii. p. 23. The expression is, "dare literas suas retenenciæ et fidelitatis Dominæ nostre Regine."

[2] Fordun a Goodal, vol. ii. p. 500.

[3] Fordun a Goodal, vol. ii. p. 501.

[4] Ibid. vol. ii, p. 485.

which anchored off the coast of Bretagne, in order to watch the motions of the Scots. It was impossible that so flagrant an insult should fail to rouse the indignation of the Scottish king. It convinced him how little was to be trusted to the honour of a government which disregarded a solemn truce the moment a favourable opportunity for conquest, or annoyance, presented itself, whilst it reminded him of the treachery by which he had himself been seized, and brought all the bitterness of his long captivity before him. The project, however, was unsuccessful. The English were drawn away from their watch by the appearance of a company of Flemish merchantmen, laden with wine from Rochelle, which they pursued and captured; but the triumph was of short duration; for almost immediately after a Spanish fleet appeared in sight, and an engagement took place, in which the English were beaten, their Flemish prizes wrested from their hands, and they themselves compelled to take to flight. In the midst of these transactions, the little Scottish squadron, with the Dauphiness and her suite, safely entered the port of Rochelle, and disembarked at Neville Priory, where she was received by the Archbishop of Rheims and the Bishop of Poictiers and Xaintonge. The marriage was afterwards celebrated at Tours with much magnificence, in presence of the King and Queen of France, the Queen of Sicily, and the nobility of both kingdoms.[1] By the common practice of most feudal states, an expensive ceremony of this kind was considered a proper occasion for the imposition of a general tax throughout the kingdom; but James refused to oppress the great body of his subjects by any measure of this nature, and contented himself with those gifts or largesses which the prelates and the chief nobility of the court were wont to contribute upon such joyful occurrences.[2]

The late infraction of the truce by Ogle, and the insidious attempt upon the part of the English government to intercept the Dauphiness, his daughter, had inflamed the resentment of the Scottish king, and rendered him not averse to the renewal of the war. It is probable, however, that there were other causes for this sudden resolution; and these are perhaps to be sought in the irritated feelings with which a portion of the nobility began to regard the government of James. To find excitement and employment for such dangerous spirits, the monarch assembled the whole force of his dominions; and with an army formidable indeed in numbers, but weakened by intrigues and discontent amongst the principal leaders, he commenced the siege of Roxburgh.[3]

The subsequent course of events is involved in much obscurity, which the few original documents that remain do not in any satisfactory manner remove. After having spent fifteen days in the siege, during which time the warlike engines for the attack were broken and rendered useless, and the quarrels, arrows, and missiles entirely exhausted, the castle was on the eve of being surrendered, when the queen suddenly arrived in the camp, and James, apparently in consequence of the secret information which she communicated, abruptly put a period to the siege, disbanded his army, and with a haste which implied some weighty cause of alarm, returned ingloriously into the interior of his dominions. For such an abrupt step no certain cause can be assigned, but such, beyond question, was the fact; and it naturally leads to the conjecture that James was suddenly informed of some treacherous designs against him, and suspected that the conspirators lurked within his own kingdom.[4]

This precipitate dismissal of his

[1] Fordun a Goodal, vol. ii. pp. 485, 501.
[2] Ibid.

[3] Fordun a Goodal, vol. ii. p. 502. The king was engaged in the siege of Roxburgh 10th August 1436. Rotuli Scotiæ, vol. ii. p. 295.

[4] Bower (Fordun a Goodal, vol. ii. p. 502) says nothing of the arrival of the queen at Roxburgh; but the ancient MS., entitled Extracta ex Chronicis Scotiæ, p. 279, expressly states the fact:—"Per quindecim dies obsidioni vacabant, et nihil laudis actum est veniens regina abduxit regem; reliqui sunt secuti et sic cessavit."

forces took place in August, and two months afterwards the king held a general council at Edinburgh, on the 22d of October 1436, in whose proceedings we can discern nothing intimating any continued suspicion of a conspiracy. Some commercial regulations were passed, which, under the mistaken idea that they were encouragements, proved, in reality, restrictions upon commerce. Exporters of wool were in future to give security to bring home and deliver to the master of the mint three ounces of bullion for every sack of wool, nine ounces for a last of hides, and three ounces for such quantity of other goods as paid freight, equal to an ancient measure called a *serplaith;* whilst, in addition to the impolicy of restricting the merchants from importing such goods as they esteemed most likely to increase their profits, the delivery of the silver was regulated by weight or measure, and not by value. Other unwise restrictions were imposed. No English cloth was permitted to be purchased by the Scottish merchants, nor were English traders allowed to carry any articles of Scottish trade or manufacture out of the kingdom, unless such were specified particularly in their letters of safe-conduct.[1]

Yet, in the midst of these parliamentary proceedings, more dark designs were in agitation amongst the nobility; and the seeds of discontent and rebellion, which the king imagined had been entirely eradicated after the retreat from Roxburgh, were secretly expanding themselves into a conspiracy, of which the history and ramifications are as obscure as the result was deplorable. Its chief actors, however, and the temper and objects by which they were regulated, may be ascertained on authentic evidence. The chief promoters of the plot were Sir Robert Graham, brother of Sir Patrick Graham of Kincardine; Walter Stewart, earl of Athole, a son of Robert the Second; and his grandson, Sir Robert Stewart, who filled the office of chamberlain to the king, by whom he was much caressed and favoured. Graham's disposition was one which, even in a civilised age, would have made him a dangerous enemy; but in those feudal times, when revenge was a virtue, and forgiveness a weakness, it became, under such nurture, peculiarly dark and ferocious. Unshaken courage, and a contempt of pain and danger, a persuasive power of bending others to his purposes, a dissimulation which enabled him to conceal his private ambition under a zeal for the public good, and a cruelty which knew neither hesitation nor remorse, were the moral elements which formed the character of this daring conspirator.

Upon the return of the king from his detention in England, and at the time that he inflicted his summary vengeance upon the house of Albany, Sir Robert Graham had been imprisoned, along with the other adherents of that powerful family; but it seems probable that he obtained his liberty, and for a while became reconciled to the government. Another transaction, however, was at hand, which, it is said, rekindled his feelings into a determined purpose of revenge. This was the seizure or resumption of the earldom of Strathern by the king. David, earl of Strathern, the brother of the Earl of Athole, was the eldest son of Robert the Second, by his second wife, Euphemia Ross. He left an only daughter, who married Patrick Graham, son of Sir Patrick Graham of Kincardine, and, in right of his wife, Earl of Strathern, to whose children, as the transmission of these feudal dignities through females was the acknowledged law of Scotland, the title and estates undoubtedly belonged. James, however, fixed his eyes upon this powerful earldom. He contended that it was limited to heirs-male; that upon the death of David, earl of Strathern, it ought to have reverted to the crown; and that Albany, the governor, had no power to permit Patrick Graham or his son to assume so extensive a fief, which he resumed as his own. Although, however, he dispossessed Malise Graham, the son of

[1] Acts of the Parliament of Scotland, vol. ii. pp. 23, 24. M'Pherson's Annals of Commerce, vol. i. p. 650.

the Earl of Strathern, of his lands and dignity, James appears to have been anxious to remove the appearance of injustice from such conduct, and to conciliate the disinherited family. For this purpose he conferred the liferent of the earldom of Strathern upon Athole, and he created the new earldom of Menteith in favour of Malise Graham.[1]

This attempt at conciliation, however, did not succeed; and indeed, notwithstanding the disguise which the king threw over it, it is easy to see that his conduct must have appeared both selfish and tyrannical. It was selfish, because, from the extreme age of Athole, James looked to the almost immediate possession of the rich earldom which he had torn from the Grahams; and tyrannical, because there appears no ground for the assertion that it was a male fief. Malise Graham was now a youth, and absent in England; but his uncle, Sir Robert Graham, remonstrated, as the natural guardian of his rights; and finding it in vain to sue for redress, he determined upon revenge. It was no difficult matter for a spirit like his to work upon the jealousies and discontented feelings of the nobles; and there were yet remaining many friends of Albany, who remembered the dreadful fate of that unhappy house, and who considered themselves bound by those strict ties of feudal vassalage then esteemed sacred to revenge it the moment an opportunity presented itself.

Amongst these persons, Graham, who himself felt the influence of such feelings in the strongest possible manner, found many ready associates; but although the body of the higher nobility were sufficiently eager to enter into his designs for the abridgment of the royal prerogative, and the resumption of the power which they had lost, they appear at first to have shrunk from anything beyond this.[2] It was determined meanwhile that Graham, who was an eloquent speaker, should detail their grievances in parliament, and that his remonstrance should be seconded by the rest of the nobles. The natural audacity of his character, however, made him exceed his commission. He spoke with open detestation of the tyrannical conduct of the government; pointed out in glowing language the ruin of the noblest families in the state; and concluded by an appeal to the barons who surrounded him, beseeching them to save the authority of the laws, were it even at the risk of laying a temporary restraint upon the person of the sovereign. The temerity of this speech confounded the barons who had promised to support him: they trembled and hesitated; whilst James, starting from his throne, commanded them instantly to arrest the traitor, and was promptly obeyed. Graham meanwhile loudly expressed the bitterest contempt for the pusillanimity of his associates; but he was hurried to prison, soon after banished from court, and his estates confiscated to the crown.[3]

James, if not already sensible of the dangerous character of Graham, must have now been fully aware of it; and how he should have suffered so bold and able a rebel to escape, is difficult to understand. It is evident, I think, that the connexion between Graham, the Earl of Athole, and Sir Robert Stewart had not at this time proceeded to the formation of those atrocious designs which they afterwards carried into execution, for we cannot doubt that the king must have examined the whole affair with the utmost anxiety; and his banishment of Graham only may convince us that, in this instance, he did not suspect him of plotting with others of his nobility.

Enraged at the ruin of his fortunes, this audacious man retreated to the Highlands, and within their gloomy recesses meditated a desperate revenge. But the mode in which he proceeded had something great about it, and shewed that he was no hired or common assassin. He sent a letter to James, in which he renounced his allegiance; he defied him, as a tyrant who

1 Hailes, Sutherland Case, chap. v. p. 57.

2 Contemporary Account of "The dethe of the King of Scotis," first printed by Pinkerton, Hist. vol. i. p. 462.

3 Contemporary Account of "The dethe of the King of Scotis," Hist. vol. i. p. 464.

had ruined his family, and left him houseless and landless; and he warned him that, wherever he could find opportunity, he would slay him as his mortal enemy. These threats, coming from a vagabond traitor, James despised; but he made proclamation for his apprehension, and fixed a large sum of gold on his head.[1]

In the meantime parliament met, and Graham, although immured in his Highland retreats, found means to communicate with the discontented nobles, and to induce the Earl of Athole, and his grandson, Sir Robert Stewart, to enter fully into his schemes for the destruction of the king. He represented to this baron, who, though now aged, inherited the proud ambition of his family, that Robert the Third was born out of wedlock, and that the crown belonged to him, as the lawful son of the second marriage of Robert the Second, or, if he chose to decline it, to Stewart, his grandson. The single life of a tyrant, who had destroyed his house, and whose power was every day becoming more formidable, was, he contended, all that stood between him and the throne, for James's son was yet a boy in his sixth year, and might be easily disposed of; and such was the unpopularity of the government, that the whole body of the nobility would readily welcome a change. It is said also that Graham worked upon Athole's ambition by the predictions of a Highland seer, who had prophesied that this earl should be crowned in that same year; a story much in the superstitious character of the times, and not unlikely to be true, as the conspiracy was undoubtedly brought to its height within the Highlands. If Graham was thus able to seduce the age and experience of Athole, it is not surprising that the prospect of a crown easily captivated the youthful ambition of Sir Robert Stewart, his grandson; and as he was chamberlain to the king, enjoyed his most intimate confidence, and was constantly employed in offices about his person, his accession to the plot may be regarded as the principal cause of its success. Graham's inferior assistants were principally some obscure dependants on the house of Albany, Christopher and Thomas Chambers,[2] with Sir John Hall and his brother; but his influence in the Highlands had collected a body of three hundred ketherans, without whose co-operation it is not probable that he could have effected his purpose.

All things were now nearly ready, whilst the king, naturally of a fearless and confident temper, and occupied with his schemes for the amelioration of the commerce of the kingdom, and the better execution of the laws, appeared to have forgotten the insolence of Graham, and to have been persuaded that the discontents amongst his nobility had passed away. Christmas approaching, it was determined that the court should keep the festival at Perth, in the monastery of the Dominicans, or Black Friars, a noble edifice, which gave ample room for the accommodation of the royal retinue. This resolution gave an unlooked-for facility to the traitors, for it brought their victim to the borders of the Highlands. It was accordingly resolved by Graham that the murder should be committed at this holy season; and, after his preparations had been made, he waited patiently for the arrival of the king.

It was impossible, however, that a plot which embraced so many agents should be kept completely secret; and a Highland woman, who in those days of superstition laid claim to prophetic skill, becoming acquainted with the design, resolved to betray it to the king. Accordingly, as the monarch and his nobles were on their road to cross the Firth of Forth, then called the Scottish sea, she presented herself before the royal cavalcade, and addressing James, solemnly warned him, "that if he crossed that water he should never return again alive."[3] He was struck with her wild appearance,

[1] Contemporary Account.

[2] Contemporary Account, p. 466. In the Rotuli Scotiæ, vol. ii. p. 159, we find John del Chambre in the employment of Albany in 1401.

[3] Contemporary Account. Pinkerton, vol. i. p. 465.

and the earnestness of her manner, stopt for a moment, and commanded a knight who rode beside him to inquire what she meant. Whether from stupidity or treachery is not certain, the commission was hurriedly executed, and she had only time to say that her information came from one Hubert; when the same knight observing that she was either mad or intoxicated, the king gave orders to proceed, and, having crossed the firth, rode on to Perth. James, as was expected, took up his residence in the Dominican monastery, and the court was unusually brilliant and joyous. Day after day passed in every species of feudal delight and revelry; and the conspirators had matured their plan, and fixed the very hour for the murder, whilst the unhappy prince dreamt of nothing but pleasure.

It was on the night between the 20th and the 21st of February that Graham resolved to carry his purpose into effect. After dark, he had procured Sir Robert Stewart, whose office of chamberlain facilitated his treachery, and rendered him above all suspicion, to place wooden boards across the moat which surrounded the monastery, over which the conspirators might pass without disturbing the warder, and to destroy the locks and remove the bolts of the doors by which the royal bedchamber communicated with the outer room, and this apartment with the passage. On this fatal evening the revels of the court were kept up to a late hour. The common sports and diversions of the time, the game of tables, the reading romances, the harp and the song, occupied the night; and the prince himself appears to have been in unusually gay and cheerful spirits. He even jested about a prophecy which had declared that a king should that year be slain; and when engaged in playing at chess with a young knight, whom in his sport he was accustomed to call the King of Love, warned him to look well to his safety, as they were the only two kings in the land.[1] In the midst of this playful conversation, Christopher Chambers, one of the conspirators, being seized with remorse, repeatedly approached the royal presence, intending to warn James of his danger; but either his heart failed him, or he was prevented by the crowd of knights and ladies who filled the presence chamber, and he renounced his purpose. It was now long past midnight, and the traitors, Athole and Stewart, who knew by this time that Graham and the other conspirators must be near at hand, heard James express his wishes for the conclusion of the revels with secret satisfaction; when, at this moment, a last effort was made to save the unhappy prince, which had almost succeeded. The faithful Highland woman, who had followed the court to Perth, again presented herself at the door of the chamber, and so earnestly implored to see the king, that the usher informed him of her wishes. It was a moment on which his fate seemed to hang, but his evil genius presided; he bade her call again and tell her errand on the morrow, and she left the monastery, after solemnly observing that they would never meet again.[2]

Soon after this, James called for the parting cup, and the company dispersed. The Earl of Athole, and Sir Robert Stewart, the chamberlain, were the last to leave the apartment; and the king, who was now partly undressed, stood in his night-gown before the fire, talking gaily with the queen and her ladies of the bedchamber, when he was alarmed by a confused clang of arms, and a glare of torches in the outer court. A suspicion of treason, and a dread that it was the traitor Graham, instantly darted into his mind, and the queen and the women flew to secure the door of the apartment, but to their dismay found the locks destroyed and the bolts removed. James thus became certain that his destruction was resolved on; but his presence of mind did not forsake him, and commanding the women to obstruct all entrance as long as they

[1] Contemporary Account, p. 466.

[2] Contemporary Account, p. 467. "The said woman of Yreland that cleped herself a dyvenourese."

were able, he rushed to the windows, but found them so firmly secured by iron bars, that all escape was impossible. The steps of armed men now came nearer and nearer, and in utter despair he seized the tongs of the fireplace in the apartment, and by main force wrenching up one of the boards of the floor, let himself down into a small vault situated below; he then replaced the board, and thus completely concealed himself from observation. From this incommodious retreat there was a communication with the outer court by means of a drain or square hole used for cleansing the apartment, and of width enough to have permitted the king to escape; but it had unfortunately been built up only three days before this by James's own direction, as the tennis court was near it, and the balls had frequently run in and been lost in the aperture.[1] Meanwhile, Graham and his accomplices rushed towards the king's bedchamber, and having slain Walter Straiton, a page, whom they met in the passage, began to force open the door amidst the shrieks of the queen and the women, who feebly attempted to barricade it. One of the ladies, named Catherine Douglas, with heroic resolution thrust her arm into the staple from which the bolt had been treacherously removed; but it was instantly snapt and broken by the brutal violence of the conspirators, who, with furious looks, and naked weapons stained with blood, burst into the chamber, and in their first attack had the cowardice to wound some of the queen's women, as they fled screaming into the corners of the apartment. The queen alone did not move, but, wrought up to a pitch of horror and frenzy which paralysed every member, stood rooted to the floor, her hair hanging loosely around her shoulders, and with nothing on but her kirtle and mantle.[1] Yet in this helpless state one of the villains, in the most brutal manner, attacked and wounded her, and she would assuredly have been slain had the deed not been prevented by a son of Graham's, who peremptorily commanded him to leave the women and join the search for the king, whom the conspirators now perceived had escaped them. Every part of the chamber was now diligently examined, every place of probable concealment opened up without success; and after a tedious search, they dispersed through the outer rooms and passages, and from thence extended their scrutiny to the remoter parts of the building.

A considerable time had now elapsed since the first alarm, and although Graham had secured the gates and occupied the outer courts of the monastery by his Highlanders, yet the citizens and the nobles who were quartered in the town, already heard the noise of the tumult, and were hastening to the spot. It seemed exceedingly likely, therefore, that the king would still be saved, for his place of concealment had totally escaped the attention of the conspirators, and every moment brought his rescue nearer. But he was ruined by his own impatience. Hearing no stir, and imagining that they who sought his life had left the place not to return, he called to the women to bring the sheets from the bed, and draw him up again into the apartment; but in their attempt to effect this, Elizabeth Douglas, one of the queen's women, fell down. The noise recalled the conspirators, and at this moment Thomas Chambers, one of Graham's accomplices, who knew the monastery well, suddenly remembered the small closet beneath the bedchamber, and conceiving, if James had not escaped, that he must be there concealed, quickly returned to the apartment. In a moment he discovered the spot where the floor was broken, raised up the plank, and looking in, by the light of his torch perceived the king, and the unfortunate lady who had fallen into the vault; upon which he shouted to his fellows, with savage merriment, to come back, for the bride was found for whom they had sought and carolled all night.[3] The dreadful

1 Contemporary Account, p. 468.
2 Ibid.
3 Contemporary Account, p. 469. "Saying to his felows, Sirs, the spows is foundon,

scene was now soon completed; yet James, strong in his agony, although almost naked, and without a weapon, made a desperate defence. He seized Sir John Hall, who had leapt down, by the throat, and with main strength threw him under his feet; another of the murderers, Hall's brother, who next descended, met with the same fate; and such was the convulsive violence with which they had been handled, that at their execution, a month after, the marks of the king's grasp were seen upon their persons. But the villains being armed with large knives, James's hands and arms were dreadfully lacerated in the struggle. Sir Robert Graham now entered the chamber, and springing down with his drawn sword, threw himself upon his victim, who earnestly implored his mercy, and begged his life, should it be at the price of half his kingdom. "Thou cruel tyrant," said Graham, "never hadst thou compassion upon thine own noble kindred, therefore expect none now." "At least," said James, "let me have a confessor for the good of my soul." "None," cried Graham, "none shalt thou have but this sword!" upon which he wounded him mortally in the body, and the unhappy prince instantly fell down, and, bleeding and exhausted, continued faintly to implore his life. The scene was so piteous, that it is said at this moment to have shook the nerves, and moved the compassion, of the ruffian himself, who was about to come up, leaving the king still breathing, when his companions above threatened him with instant death if he did not finish the work. He then obeyed, and, assisted by the two Halls, completed the murder by repeated wounds.[1]

In this atrocious manner was James the First cut off in the prime of life, and whilst pursuing his schemes for the consolidation of his own power, and the establishment of the government upon a just and equitable basis, with a vigour and impetuosity which proved his ruin. The shocking deed being thus consummated, the traitors anxiously sought for the queen, but by this time she had escaped; and, warned by the increasing tumult in the town, and the alarm in the court, they fled in great haste from the monastery, and were descried crossing the outer moat, and making off in the direction of the Highlands. Sir David Dunbar, brother to the Earl of March, overtook and slew one of their number, after being himself grievously wounded;[2] but he who fell was of inferior note, and the principal conspirators made good their retreat to the Highlands.

On entering the chamber where the murder had been committed, a miserable spectacle presented itself,—the king's naked body bathed in blood, and pierced with sixteen wounds. The lamentable sight, by the pity and execration which it universally inspired, stimulated the activity of pursuit, and whetted the appetite for revenge; and the queen, disdaining to abandon herself to the helplessness of womanly grief, used such unwearied efforts to trace and apprehend the murderers, that in less than a month they were all taken and executed. Little, however, is known as to the exact mode of their apprehension. The principal conspirator, Graham, and some of his accomplices, appear to have escaped into the wilds of Mar; but they were traced to their concealments and seized by two Highland chieftains, John Stewart Gorm, and Robert Duncanson, the ancestor of the ancient family of Robertson of Strowan.[3]

The shocking scenes of torture which preceded their death must not be detailed, and are, it is hoped, chiefly to be ascribed to the ferocity of the times. It must be remembered that at this period the common death of every traitor was accomplished by tor-

wherfor we ben comne, and al this nycht haf carold here."

[1] Contemporary Account, p. 470.

[2] Contemporary Account, p. 471. Fordun a Goodal, vol. ii. p. 503.

[3] Chamberlain Accounts, sub anno 1438. "Et per solucionem factam Johanni Stewart Gorme pro arrestacione Roberti Grahaam traditoris, et suorum complicum, ut patet per literas regis moderni, de precept. sub signeto, et dicti Johannis Stewart de recept. concess. super compotum 56 lib. 13 s. 4 d. Computum Dni Ade fanconar Camerarii Comitatus de Mar." See Illustrations, G.

ture; and in the present instance the atrocity of the murder was thought to call for a refinement and complication in the punishment. Sir Robert Stewart and Thomas Chambers were first taken and brought to Edinburgh, where, after a full confession of their guilt, which unfortunately does not remain, they were beheaded on a high scaffold raised in the market-place, and their heads fixed upon the gates of Perth. Athole, who had been seized by the Earl of Angus, was the next sufferer. After being exhibited to the populace, tied to a pillar in the city, and crowned with a paper diadem, upon which was thrice written the name of traitor, his head was struck off, adorned with an iron crown, and fixed upon the top of a spear. He denied to the last that he was a party to the conspiracy, although he pleaded guilty to the knowledge and concealment of it, affirming that he exerted every effort to dissuade his grandson against such atrocious designs, and believed that he had succeeded. As he was an old man, on the verge of seventy, his fate was not beheld without pity.

Very different were the feelings excited by the execution of the arch-traitor Graham, whose courage and characteristic audacity supported him to the last. He pleaded to his judges, that having renounced his allegiance under his hand and seal, and publicly challenged and arraigned the king as his mortal enemy, he was no longer his subject, but his feudal equal, and that it was lawful for him to slay him wherever they met, without being amenable to any court whatever; seeing, said he, he did no wrong nor sin, but only slew God's creature his enemy.[1] He knew well, he said, that his death was resolved on, but that the time would come when they would gratefully pray for the soul of him who had delivered them from a merciless tyrant, whose avarice was so unbounded that it ruined friends as well as enemies, and preyed alike on the poor and the rich. The firmness with which he endured his complicated sufferings was equal to the boldness of his defence. Nailed alive and naked to a tree, dragged through the city, followed by the executioners, who tore him with pincers, whilst his son was tortured and beheaded before his face, he bore all with amazing fortitude; and when his sufferings became utterly insupportable, warned his tormentors, that if his anguish should drive him to blasphemy, the guilt would rest on their heads who had thus destroyed his soul.[2] Graham was at last beheaded; and this dreadful scene of feudal vengeance, which it is impossible to read in the original account without sentiments of the utmost loathing and horror, concluded with the execution of Thomas Hall, one who had apparently belonged to the household of the Duke of Albany, and who to the last vindicated the share he had taken in the king's death.

There was nothing little in the character of James the First: his virtues and his faults were alike on a great scale; and his reign, although it embraced only a period of thirteen years, reckoning from his return to his assassination, stands forward brightly and prominently in the history of the country. Perhaps the most important changes which he introduced were the publication of the acts of parliament in the spoken language of the land; the introduction of the principle of representation by the election of the commissaries for shires; the institution of the court entitled the "Session;" and the regularity with which he assembled the parliament. Before his time it had been the practice for the laws, the resolutions, and the judgments of the parliament to be embodied in the Latin language; a custom which evidently was calculated to retard improvement, and perpetuate the dominion of barbarism and feudal oppression. Before his time the great body of the judges, to whom the administration of the laws was intrusted, the barons within their regalities, the bailies, the sheriffs, mayors, sergeants, and other inferior officers, were incapable of reading or understanding the statutes; and the importance of the

[1] Contemporary Account, p. 473.

[2] Contemporary Account, p. 474.

change from this state of darkness and uncertainty, to that which presented them with the law speaking in their own tongue, cannot be too highly estimated. It is of itself enough to stamp originality upon the character of the king, and to cause us to regard his reign as an era in the legislative history of the country.

Nor was the frequency in the assembling his parliaments of less consequence. Of these convocations of the legislature, no less than thirteen occurred during his brief reign; a striking contrast to their infrequency under the government of his predecessors. His great principle seems to have been to govern the country through the medium of his parliament; to introduce into this august assembly a complete representation of the body of the smaller landed proprietors and of the commercial classes; and to insist on the frequent attendance of the great temporal and spiritual lords, not, as they were formerly wont, in the character of rivals of the sovereign, surrounded by a little court, and backed by numerous bands of armed vassals, but in their accredited station, as forming the principal and essential portion of the council of the nation, bound to obey their summons to parliament upon the same principle which obliged them to give suit and service in the feudal court of their liege lord the king.

Another striking feature in James's reign was his institution of the "Session," his constant anxiety for the administration of justice amongst the middle ranks and the commons, and the frequent and anxious legislative enactments for the severe and speedy punishment of offenders. His determination that "he would make the bracken-bush keep the cow"—that proverb already alluded to, and still gratefully remembered in Scotland[1]—was carried into execution by an indefatigable activity, and a firmness so inexorable as sometimes to assume the appearance of cruelty; but in estimating his true character upon this point it is necessary to keep clearly before our eyes the circumstances in which he found the country, and the dreadful misrule and oppression to which the weaker individuals in the state were subjected from the tyranny of the higher orders. It is impossible, however, to deny that the king was sometimes cruel and unjust; and that when Graham accused him of tyranny and oppression he had perhaps more to say in his vindication than many of our historians are willing to admit. The explanation and, in some little measure, the excuse for this is to be found in the natural feelings of determined and undisguised hostility with which he undoubtedly regarded the family of Albany and their remotest connexions. James considered the government of the father and the son in its true light—as one long usurpation—for although the first few years of Albany's administration as governor had been sanctioned by royal approval and the voice of the parliament, yet it is not to be forgotten that the detention of the youthful king in England extended through the sickening period of nineteen years, during the greater part of which time the return of this prince to his throne and to his people was thwarted, as we have seen, by every possible intrigue upon the part of Albany. This base conduct was viewed by James with more unforgiving resentment from its being crowned with success; for the aged usurper by a quiet death escaped the meditated vengeance, and transmitted the supreme authority in the state to his son, ransomed from captivity for this very end, whilst his lawful prince beheld himself still detained in England. When he did return, therefore, it was not to be wondered at that his resentment was wrought to a high pitch; and deep and bloody as was the retribution which he exacted, it was neither unnatural nor, according to the feelings of those times, wholly unjustifiable.

But making every allowance for the extraordinary wrongs he had suffered, the determination which he appears to have formed of considering every

[1] Fordun a Goodal, vol. ii. p. 511.

single act of Albany's administration, however just it may have been in itself, as liable to be challenged and cut down, necessarily led, when attempted to be acted upon, to a stretch of power which bordered upon tyranny. The dilapidation, indeed, of the crown lands, and the plunder of the royal revenues which had taken place under the government of Albany and his son, afforded James a sufficient ground for resuming a great part of what had originally belonged to him; but as far as we are able to trace his schemes for the re-establishment of the royal authority, and the diminution of the overgrown power of the feudal aristocracy, there does appear about them a stern rigour, and a love of power, little removed from absolute oppression. It is not, therefore, a subject of wonder that this spirit, which was solely directed against his nobles, incurred their bitterest hatred, and ultimately led to his ruin.

If we except his misguided desire to distinguish himself as a persecutor of the Wickliffites, James's love for the Church, as the best instrument he could employ in disseminating the blessings of education, and of general improvement throughout the country, was a wise and politic passion. He found his clergy a superior and enlightened class of men, and he employed their power, their wealth, and their abilities as a counterpoise to his nobility, yet he was not, like David the First, a munificent founder of new religious houses; indeed, his income was so limited as to make this impossible. His efforts were directed to the preservation of the discipline and learning of the Church; to the revival of the custom of holding general councils or chapters, which had been discontinued during his detention in England, but of which three appear to have been assembled during his brief reign; to a personal inspection of the various monasteries and religious establishments during his progresses through the kingdom, and an affectionate reproval if he found they had degenerated from the strictness of their rule, or the sanctity of their deportment.[1]

It is well known that the personal accomplishments of this prince were of a high character. After his return, indeed, his incessant occupation in the cares of government left him little leisure for the cultivation of literature or of the fine arts, but his long detention in England gave him ample opportunities of mental cultivation, of which he appears to have anxiously availed himself. He was a reformer of the language and of the poetry of his country; he sang beautifully, and not only accompanied himself upon the harp and the organ, but composed various airs and pieces of sacred music, in which there was to be recognised the same original and inventive genius which distinguished this remarkable man in everything to which he applied his mind.[2]

In his person James was of the middle size, of a make rather powerful and athletic than elegant, and which fitted him to excel in all martial feats and exercises. Of these he was extremely fond, and we have the testimony of a contemporary that in drawing the bow, in the use of the lance, in horsemanship, wrestling and running, in throwing the hammer, and "putting the stane," few of his courtiers could compete with him. His great strength, indeed, was shewn in the dreadful and almost successful resistance which he made to his murderers. He died in the forty-fourth year of his age, and was buried in the church of the Carthusians at Perth, which he had himself founded. He left by his Queen, Joanna, an only son, James, his successor, then a boy in his seventh year, and five daughters. To two of these, Margaret, who became Queen of France, and Eleanor, who married Sigismund, duke of Austria, their father transmitted his love of literature.[3]

1 Innes, MS. Chronology, quoted by Chalmers in his Poetic Remains of the Scottish kings, pp. 8, 16. Fordun a Goodal, vol. ii. p. 508.

2 Fordun a Goodal, vol. ii. p. 504.

3 The story of the Dauphiness and Alain

James's remaining daughters were Isabella, married to Francis, duke of Bretagne; Mary, who took to her husband the Count de Boncquan, son to the Lord of Campvere; and lastly, Jane, wedded to the Earl of Angus, and subsequently to the Earl of Morton.

HISTORICAL REMARKS

ON THE

DEATH OF RICHARD THE SECOND.

It is generally known that much obscurity hangs over the common stories relative to the death of Richard the Second, and that Henry the Fourth was greatly annoyed by reports of the captive king having escaped to Scotland; reports which he, of course, invariably treated as false, and which all our modern historians, both of England and of Scotland, have been disposed to consider fabulous: some contenting themselves with a brief notice that an impostor appeared under the name of Richard the Second, and others passing over the circumstance altogether.

In investigating this obscure part of our history, it was lately my fortune to discover some very interesting evidence, which induced me to believe that there was much more truth in these reports than I was at first disposed to admit. This led to an examination of the whole proofs relative to Richard's disappearance and alleged death in England; and the result was a strong conviction that the king actually did make his escape from Pontefract castle; that he succeeded in conveying himself to Scotland, where he was discovered, detained, and supported by Robert the Third and the Duke of Albany; and that he actually died in that country long after his reputed murder in England. I am well aware that this is a startling proposition, too broadly in the face of long-established opinion, to be admitted upon any evidence inferior almost to demonstration. It is quite possible, also, that there may exist, in the manuscript treasures of the public libraries of England or of France, absolute proof that Richard was murdered, or that he died in prison; and one great object of these observations will be attained if they have the effect of directing the attention of the learned to the further investigation of a subject still very obscure. In the meantime, I trust I shall succeed in shewing that my hypothesis as to Richard's escape, for it pretends to no higher name, is supported by a body of direct as well as of negative evidence, superior to that which could be adduced upon many other historical facts, the truth of which has not been questioned by the most fastidious and sceptical writers.

It is stated by Bower, or Bow-maker, the continuator of Fordun, and one of the most ancient and authentic of our early historians, that Richard the

Chartier is well known. Finding this famous poet asleep in the saloon of the palace, she stooped down and kissed him—observing to her ladies, who were somewhat astonished at the proceeding, that she did not kiss the man but the mouth which had uttered so many fine things, a singular, and, as they perhaps thought, too minute a distinction. Menagiana, vol. ii. p. 130.

Eleanor, although equally fond of literature, confined herself to a more decorous mode of exhibiting her predilection, by translating the romance of Ponthus et Sidoyne into German for the amusement of her husband.

Second found means to escape from Pontefract castle; that he succeeded in conveying himself to the Scottish isles; and, travelling in disguise through those remote parts, was accidentally recognised and discovered, when sitting in the kitchen of Donald, lord of the Isles, by a jester who had been educated at the court of the king. The same historian proceeds to say that Donald of the Isles sent him, under the charge of Lord Montgomery, to Robert the Third, with whom, as long as the Scottish monarch lived, he was supported as became his rank; and that, after the death of this king, the royal fugitive was delivered to the Duke of Albany, then governor of Scotland, by whom he was honourably treated; and he concludes this remarkable sentence, which I have given nearly in his own words, by affirming that Richard at length died in the castle of Stirling, and was buried in the church of the preaching friars, on the north side of the altar.[1]

In another part of his history, the same writer, in describing the devastations committed by Richard in his expedition into Scotland, alludes in equally positive terms, and almost in the same words, to his subsequent escape into that country, and his being discovered by Donald of the Isles;[2] and again, in the passage in which he mentions the death of Robert the Third, the same historian remarks that about this time many persons fled out of England from the face of Henry the Fourth, and came to King Richard in Scotland; amongst whom were Henry Percy the elder, with his grandson, Henry Percy the younger, who had come a little before this, and being of the same age with James the First, had been brought up with him in the castle of St Andrews. At the same time, he continues, there came also the Lord Bardolf, two Welsh prelates, the Bishops of St Asaph and of Bangor, the Abbot of Welbeck, and other honourable persons; but, he adds, King Richard would in nowise be persuaded, either by the governor or by any other persons, to have a private interview with the Earl of Northumberland.[3] Lastly, under the events of the year 1419, the historian has this brief entry:—"In this year died Richard, King of England, on the Feast of St Luke, in the castle of Stirling."[4] These passages are sufficiently direct and positive: and in estimating the weight to which they are entitled, it must be remembered that Bower states them upon his own knowledge; that he was a contemporary engaged in the collection of materials for his history at the period in question; and that, from his rank in the Church, from his employment in responsible offices of state, and his connexion with those best able to give him information upon this subject, his evidence is of

[1] Fordun a Goodal, vol. ii. p. 427. "Isto modo rex Ricardus fuit regno privatus et perpetuis carceribus, cito deficiendus deputatus; sed subtiliter abinde ereptus, et ad insulas Scotiæ transvectus, et in coquina Dovenaldi domini Insularum, a quodam fatuo qui in curia Regis Ricardi dum floreret, educatus fuerat cognitus et repertus, et a dicto domino Insularum ad Regem Scotiæ Robertum Tertium per Dominum de Monte-Gomorry transmissus, cum quo dum Rex Scotiæ vixerat reverenter, ut decuit, procuratus, et post mortem regis Duci Albaniæ gubernatori Scotiæ presentatus; cum quo regifice quoad statum honoratus, tandem in castro de Strivelyn mortuus, et in ecclesia fratrum ejusdem ad aquilonare altaris cornu ejusdem tumulatus."—"Hic Ricardus fuit filius Edwardi principis Walliæ, filii Eduardi Windesor, qui rexit annis viginti duobus; mortuus sine liberis."

[2] Ibid. vol. ii. p. 402. "Unde ad id deventum est, ut ipse idem Rex Ricardus II., qui olim in florenti majestate sua, stipatus, turmis militum, et multitudine clientum, Salomoni magno in expensis æquiparabatur, tandem carceres evadens, insulas Scotiæ petens, cognitus est a quodam fatuo, qui in sua curia ante hoc educatus fuerat, et inventus in culina, tanquam vilis elixa, Dovenaldi domini Insularum."

[3] Fordun a Goodal, vol. ii. p. 441. "His diebus fugerunt multi de Anglia a facie regis Henrici IV., et in Scotiam ad regem Ricardum venerunt. Venit enim Henricus Percy, senior, cum nepote suo Henrico juniore qui paulo ante venerat et cum principe nostro Jacobo I. coævus in Castro Sancti Andreæ extiterat. Venitque tunc temporis, dominus de Bardolf, cum diversis honestis personis, et duo Episcopi Wallenses—viz., Dominus Griffinus Episcopus Bangorenus et alius episcopus,—viz., Assavensis et Abbas de Welbeck. Quo in tempore rex Angliæ Ricardus non potuit induci, neque per gubernatorem nec alios quoscunque adhabendum familiare colloquium cum Comite Northumbriæ."

[4] Ibid. vol. ii. p. 459.

an unexceptionable kind. It is indeed true that in the remote annals of the country he may be convicted of error; but with regard to events falling within the range of his own personal observation Bower is entitled to high credit; and he assuredly does not throw out the slightest suspicion as to the identity of the king.

But the credit due to this passage is much strengthened by the circumstance that he is corroborated in the greater part, if not in the whole of his story by another valuable original writer, Andrew Winton, whose testimony cannot be regarded as borrowed from Bower, as we know that his Chronicle was completed before the history of Bower was begun.[1] It is stated by this historian, in a passage of singular simplicity, of the contents of which I now give a literal transcript, "that after Richard's deposition by King Henry the Fourth, he was confined in the Tower of London; they then," says he, "brought him to Pontefract, where he was delivered to two gentlemen of rank and reputation, named Swinburn and Waterton, who felt compassion for him, and spread a report of the king's death; after which there arose a rumour that King Richard was still alive." Winton then proceeds to say "that he will tell how this report arose, as he heard, although he possesses no information as to the manner in which the king effected his escape from Pontefract. But," says he, "at this time a poor traveller appeared in the *Oute Isles* of Scotland; and it happened that he was met by a lady of the family of Bisset, a daughter of an Irish lord, who was wedded to the brother of the Lord of the Isles. She had before seen the king in Ireland, and she immediately declared to her husband that this traveller was King Richard; upon which he called him, and inquired whether this was true; but he denied it, and would not allow that it was so. However," continues Winton, "they sent this person to the Lord Montgomery in haste, and afterwards he was kept by Robert, king of Scotland; then he was held for some time by the Lord of Cumbernauld; and lastly delivered to the Duke of Albany, who kept him for a long time after this." The historian then concludes his notice of this mysterious person by the following observation:—"Whether he had been the king or not, there were few who knew for certain. He was little inclined to devotion, and seldom shewed a desire to hear mass; from the manner in which he conducted himself, it seemed likely that he was half mad or wild."[2] Such is almost a

[1] Winton, by M'Pherson, preface, p. 22. "It was at his request (Sir John of the Wemyss) that he undertook his Chronicle, 1 Prolog. 54, which was finished between the 3d of September 1420 and the return of King James from England in 1424, as appears by Robert duke of Albany being mentioned as dead, and the prayer for the prosperity of his children, ix. xxvi. 51."—"Bower was born in 1385. In 1403, when eighteen years old, he put on the habit; he afterwards completed his theological studies at Paris; and having returned to Scotland, was elected Abbot of Inchcolm in 1418. After this, he was employed in various offices of trust under the government; and at length, in 1441, began his continuation of Fordun, whose Collectanea he had in his possession."—Goodal's Preface to Fordun, p. 3.

[2] After describing Richard's deposition, Winton thus proceeds—vol. ii. pp. 387, 388, 389:—

"Wythoutyn dout the court wes hard
Wyth this forsaid King Richard,
For in the Toure of Londone syne
Haldyne he wes a quhile in pyne:
And eftyre that on purpos set
Thai brocht hym north on til Powmfret;
Thare wes he delyverit then
Tyl twa wele trowit famous men,
Swynburn and Wattyrton,
Men of gud reputacioune;
Thare he bade, and wes hard stade,
Gret pitè of hym thir gud men had,
The word in Yngland thai gert spred
That this Richard king wes dede,
Bot eftyr that thare ras tithand,
That this King Richard wes livand.
And quhon that rais, I will tel here
As I hard thare-of the manere.
Bot I can nocht tell the case
Off Poumfret as he chapit wase.
"Bot in the Owt-Ilys of Scotland than
Thare wes traveland a pure man,
A Lordis douchtyr of Ireland
Of the Bissetis, thare dwelland
Wes weddit wyth a Gentylman,
The Lord of the Ilys bruthir than,
In Ireland before quhen scho had bene,
And the King Richard thare had sene,
Quhen in the Islis scho saw this man,
Scho let that scho weil kend hym than,
Til hir Maistere sone scho past
And tauld thare til hym als-sa fast,
That he wes that King of Yngland
That scho be-fore saw in Ireland,

literal translation of Winton's testimony, who was prior of Lochleven at the time of Richard's appearance, and must have had the best opportunities of informing himself of the truth of the story. He cautiously, indeed, declines giving us his own opinion upon the subject, contenting himself with declaring that few knew for certain whether this mysterious person was the king; but this, I think, may be accounted for from his high admiration of Albany, and his evident desire not to reveal anything which might throw a stain upon his government, or that of his son, Duke Murdoch.

We know, from his own words, that Winton regarded Henry the Fourth as an unprincipled usurper, who had unjustly dethroned the rightful king;[1] and to have admitted that Albany detained Richard in an honourable captivity, whilst he recognised the title of Henry to the throne, would have little corresponded with the high character which he has elsewhere given of him. This disposition of the historian is strikingly illustrated by the manner in which he passes over the murder of the Duke of Rothesay. It is now established by undoubted evidence that the prince was murdered by Albany and Douglas; yet Winton omits the dreadful event, and gives us only a brief notice of his death.[2] And I may observe, that in his account of the deposition of Henry, and the subsequent escape of Richard into Scotland, he has introduced a remark which is evidently intended as an apology to the reader for the concealment of part of the truth. "Although," says he, "everything which you write should be true, yet in all circumstances to tell the whole truth is neither needful nor speedful."[3]

Yet although the cautious Prior of Lochleven did not choose to commit himself by telling the whole truth, he states two remarkable circumstances which do not appear elsewhere. The first of these is the denial, by the person in question, that he was the king, when he was discovered by Donald of the Isles: a very extraordinary step certainly to be taken by an impostor, but a natural one to be adopted by the fugitive king himself, for at this time Donald of the Isles was in strict alliance with Henry the Fourth.[4] The second is the new fact, that Richard was delivered at Pontefract to two trustworthy and well-known gentlemen, Swinburn and Waterton. Such strict secrecy was observed by Henry as to the mode in which the dethroned monarch was conveyed to Pontefract, and the persons to whose custody he was intrusted, that neither in the state papers of the time nor in the contemporary English historians is there any particular information upon the subject. But it is certain that Sir Thomas Swinburn and Sir Robert Waterton were two knights in the confidence and employment of Henry, and that Waterton, in particular, was steward of the honour of Pontefract;[5] a

Quhen he wes therein before
As scho drew than to memore;
Quhen til hir Mastere this scho had tauld,
That man rycht sone he tyl hym cald.
And askit hym, gyf it wes swa.
That he denyit; and said nocht, Ya.
Syn to the Lord of Montgwmery
That ilke man wes send in hy;
That ilke man syne eftyr that
Robert oure King of Scotland gat,
The Lord als of Cumbirnald
That man had a quhile to hald.
The Duke of Albany syne hym gat,
And held him lang tyme efter that:
Quhethir he had bene king, or nane,
Thare wes bot few, that wyst certane.
Of devotioune nane he wes
And seildyn will had to here Mes,
As he bare hym, like wes he
Oft half wod or wyld to be."

[1] Winton, vol. ii. p. 386.
[2] Winton's Chronicle, vol. ii. p 397.
[3] Winton's Chronicle, vol. ii. pp. 383, 384.

"And in al thing full suth to say
Is noucht neidful na speidful ay.
Bot quhat at suld writyn be
Suld be al suth of honestè."

[4] Rotuli Scotiæ, vol. ii. pp. 155, 156.
[5] Whitaker's Loidis and Elmete, p. 269. Waterton was Master of the Horse to Henry the Fourth, who employed him in a foreign mission to the Duke of Gueldres. Cottonian Catalogue, p. 245. No. 88, also p. 244. In May 7, 1404, Sir Thomas Swinborne was sent on a mission to the magistrates of Bruges. Ibid. p. 244. See also Fordun a Goodal, vol. ii. p. 428. I have much pleasure in acknowledging the polite and friendly attention of Sir John Swinburn, Bart. of Capheaton, to my inquiries upon this subject. From his information I am enabled to state, that although

circumstance which tends strongly to corroborate the account of Winton, and to shew that, although he did not think it prudent to tell the whole truth, he yet possessed sources of authentic information. There is no mention of Winton in Bower's additions to Fordun—a strong proof, I think, that this last author had never seen his Chronicle; so that we are entitled to consider these two passages as proceeding from two witnesses, who, being unconnected with each other, yet concur in the same story. Nor is it difficult to account for the more particular and positive account of Bower, if we recollect that this author composed his history under the reign of James the Second; twenty years after Winton had completed his Chronicle, when all were at liberty to speak freely of the actions and character of Albany, and time had been given to this writer to investigate and discover the truth.

In an ancient manuscript in the Advocates' Library, which I conjecture to have been written posterior to the time of Fordun, and prior to the date of Bower's Continuation, I have found three passages which corroborate the accounts of this author and of Winton in a striking manner. The manuscript is entitled "Extracta ex Chronicis Scotiæ," and at folio 254 has the following passage:—"Henry Percy, earl of Northumberland, with his nephew Henry the younger, and many others of the prelates and nobles of England, who fled from the face of Henry the Fourth, came into Scotland to King Richard, at this time an exile, but well treated by the governor." [1] In another part of the same manuscript, the account given of the death of Richard by Bower is thus briefly but positively confirmed, with the valuable addition of the monkish or leonine epitaph inscribed above his tomb:—"Richard the Second, king of England, died in the castle of Stirling, in the aforesaid year, and was buried on the Feast of St Lucie the Virgin, on the north side of the high altar of the Preaching Friars;" above whose royal image there painted, it is thus written:

"Angliæ Ricardus jacet hic rex ipse sepultus.
Loncaste quem Dux dejecit arte, mota prodicione
Prodicione potens, sceptro potitur iniquo.
Supplicium luit hunc ipsius omne genus.
Ricardum inferis hunc Scotia sustulit annis
Qui caustro Striveling vite peregit iter
Anno milleno quaterceno quoque deno
Et nono Christi regis finis fuit iste." [2]

The church of the Dominican friars at Stirling has long since been destroyed, and other buildings erected on its site. It existed, however, in the time of Boece, who mentions the inscription over Richard's tomb as being visible in his day.[3] Such being the clear and positive statements of these respectable contemporary writers, whilst, as I shall afterwards shew, the accounts of the reputed death of the king by the English historians were extremely vague and contradictory, and the reports of his escape frequent, I certainly did not feel disposed to follow Buchanan, and the whole body of English and Scottish historians who succeeded him, in treating the story as fabulous, or in considering the person whom Bower so positively asserts to have been the king as an impostor.

Having proceeded thus far in these researches, I began the examination of that part of the Chamberlain Accounts, which forms the continuation of those valuable unpublished records, of which I have already given a description, in the Notes and Illustrations to the first volume of this history. It contains the accounts of the great chamberlains and other ministers of the crown during the

in his own family there is no evidence, either written or traditionary, on the subject of Richard the Second, yet in the family of the present Mr Waterton of Walton Hall, the descendant of Sir Robert Waterton, Master of the Horse to Henry the Fourth, there is a long established tradition, that his ancestor had the charge of Richard the Second in Pontefract castle.

[1] "Percy Henricus Comes Northumbriæ cum nepote suo Henrico minore et multi alii nobiles Angliæ ac prælati fugientes a facie Henrici quarti Regis Angliæ Scotiam venerunt ad regem Ricardum exulem, per gubernatorem bene tractati."—Extracta ex Chronicis Scotiæ, folio 254. MS. Adv. Lib.

[2] Extracta ex Chronicis Scotiæ, fol. 263, dorso.

[3] Boece, Hist. p. 1339.

government of the Duke of Albany; and in examining them with that deep interest which such authentic documents demanded, I came upon the following extraordinary passages, which I shall translate literally from the Latin. The first occurs at the end of the accounts for the year 1408, and is as follows:—"Be it remembered also, that the said lord governor, down to the present time, has neither demanded nor received any allowance for the sums expended in the support of Richard, king of England, and the messengers of France and of Wales, at different times coming into the country, upon whom he has defrayed much, as is well known."[1] Again, at the conclusion of Accounts for the year 1414, the following passage is to found:—"Be it remembered also, that our lord the duke, governor of the kingdom, has not received any allowance or credit for the expenses of King Richard incurred from the period of the death of his brother, our lord the king of good memory, last deceased."[2] The same memorandum, in precisely the same words, is inserted at the termination of the Chamberlain Accounts for the year 1415;[3] and lastly, at the conclusion of the year 1417, there is this passage:—"Be it remembered, that the lord governor has not received any allowance for the expenses and burdens which he sustained for the custody of King Richard of England from the time of the death of the late king, his brother of good memory, being a period of eleven years, which expenses the lords auditors of accounts estimate at the least to have amounted annually to the sum of a hundred marks, which for the past years makes in all £733, 6s. 8d."[4]

The discovery of these remarkable passages in records of unquestionable authenticity was very satisfactory. I considered them as affording a proof, nearly as convincing as the nature of the subject admitted, that the story given by Bower and by Winton was substantially true; as establishing upon direct evidence, which hitherto I can see no cause to suspect, the fact so positively asserted during the reign of Henry the Fourth and Henry the Fifth, that Richard the Second had escaped into Scotland, and lived there for many years after his reputed death in England. That an impostor should, as we learn from Winton, deny that he was the king, or that, in the face of this denial, a poor maniac should be supported at great expense, and detained for more than eleven years at the Scottish court, seems to me so extravagant a supposition, that I do not envy the task of any one who undertakes to support it. It was due, however, to the respectable historians who had adopted the common opinion regarding the death of Richard in 1399, that the evidence upon which they proceeded should be diligently weighed and examined. This I have done, with an earnest desire to arrive at the truth in this mysterious story, and the result has been the discovery of a body of negative evidence, superior, I think, to that which could be brought in support of most historical facts.

And here I may first remark, that there is no certain proof furnished by contemporary English writers that Richard the Second either died or was murdered in Pontefract castle; the accounts of the best historians being not only vague and inconsistent with each

[1] "Et memorandum quod dictus Dominus Gubernator regni non peciit neque recepit ad presens aliquam allocationem pro expensis suis factis super Ricardum regem Angliæ; Nuncios Franciæ vel Walliæ diversis vicibus infra regnum venient: circa quos multa exposuit, ut est notum."—Rotuli Compotorum, vol. iii. p. 18.

[2] "Et memorandum quod dominus dux gubernator regni non recepit allocationem aliquam pro expensis regis Ricardi, a tempore obitus bone memorie Domini regis fratris sui ultimo, defuncti."—Rotuli Compotorum, vol. iii. p. 69.

[3] Id. vol. iii. p. 78.

[4] "Et memorandum quod dominus gubernator non recepit allocacionem pro expensis et oneribus quas sustinuit pro custodia regis Ricardi Anglie, a tempore obitus bone memorie quondam domini regis fratris sui, jam per undecim annos. Quas expensas annuatim dni auditores compotorum estimant ad minus fuisse in quolibet, anno centum marcas. Quæ summa se extendit pro annis præteritis ad vii^{xx} xxxiii lib. vi sh. viii d. quæ summa debetur domino duci."—Id. p. 95.

other, but many of them such as can easily be proved to be false by unexceptionable evidence. So much, indeed, is this the case, that some ingenious English authors have of late years attempted to clear up the mass of obscurity and contradiction which hangs over the fate of Richard, and after having done all which could be accomplished by erudition and acuteness, have been compelled to leave the question, as to the manner of his death, in nearly the same uncertainty in which they found it.[1]

Walsingham, a contemporary historian of good authority, although attached to the house of Lancaster, affirms that, according to common report, "*ut fertur*," he died by a voluntary refusal of food, on the 14th of February 1399. "Richard," says he, "the former king of England, when he had heard of these disasters, became disturbed in his mind, and, as is reported, put an end to his life by voluntary abstinence, breathing his last at Pontefract castle on St Valentine's day."[2] Thomas of Otterburn, however, who was also a contemporary, gives a story considerably different: for he informs us that the king, although he at first determined to starve himself to death, afterwards repented, and wished to take food, but that in consequence of his abstinence the orifice of the stomach was shut, so that he could not eat, and died of weakness. "When Richard," he observes, "the late King of England, who was then a prisoner in Pontefract castle, had learnt the misfortune of his brother John of Holland, and the rest of his friends, he fell into such profound grief, that he took the resolution of starving himself, and, as it is reported, he so long abstained from food, that the orifice of his stomach was closed; so that when he was afterwards persuaded by his keepers to satisfy the craving of nature, by attempting to take nourishment, he found himself unable to eat, and his constitution sinking under it, he expired in the same place on St Valentine's day."[3]

In direct opposition to this story of death by voluntary abstinence, (a mode of extinction which is pronounced by an excellent historian to be inconsistent with the previous character of the king,)[4] a completely different tale is given by the author of a French manuscript work, in the Royal Library at Paris, who seems to be the first to whom we owe the introduction of Sir Piers Exton, and his band of eight assassins, who murdered Richard with their halberts and battle-axes. This account has been repeated by Fabyan and Hall in their Chronicles, by Hayward in his Life of Richard, and, in consequence of its adoption by Shakspeare, has become, and will probably continue, the general belief of Europe. For a complete exposure of the falsehood of this tale of assassination, I shall content myself with a simple reference to Mr Amyot's paper on the death of Richard the Second, which is printed in the Archæologia.[5]

There is lastly a class of contemporary authorities which ascribe the death of the king neither to voluntary abstinence nor to the halbert of Sir Piers Exton—but to starvation by his keepers. The manuscript Chronicle of Kenilworth uses expressions which amount to this:—"Fame et siti, ut putatur, dolenter consummatus." A Chronicle, in the Harleian collection, the work of Peter de Ickham, is more positive:—"A cibo et potu per iv. aut v. dies restrictus, fame et inedia expi-

[1] See the learned dissertations of Mr Webb and Mr Amyot, in the twentieth volume of the Archæologia.

[2] Walsingham, p. 363. "Ricardus quondam rex Angliæ cum audisset hæc infortunia, mente consternatus, semetipsum extinxit inedia voluntaria, ut fertur, clausitque diem extremum apud castrum de Pontefracto die Sancti Valentini.

[3] Otterburn, pp. 228, 229. "Ricardus quondam rex Angliæ in castro de Pontefracto existens custoditus, cum audisset infortunium fratris sui Joannis Holland, et ceterorum, in tantam devenit tristitiam, quod semet inedia voluit peremisse, et tantum dicitur abstinuise, quod clauso orificio stomachi, cum ex post, consilio custodum, voluisset naturæ satisfecisse comedendo, præcluso omni appetitu comedere non valeret, unde factum est, ut natura debilitata, defecerit, et die Sancti Valentini, diem clausit supremum ibidem."

[4] Turner, Hist. of England, vol. ii. p. 352.

[5] Archæologia, vol. xx. pp. 427, 428.

ravit." Hardyng, the chronicler, who was a contemporary, and lived in the service and enjoyed the confidence of Hotspur and his father, repeats the same story.[1] Whilst we thus see that the accounts of so many writers who lived at the time are completely at variance—one saying that he starved himself, another that he repented, and wished to eat, but found it too late, and died; a third, that it took all the efforts of Exton and his accomplices, by repeated blows, to fell him to the ground; and the last class of writers, that his death was occasioned by his keepers depriving him of all nourishment—the proper inference to be drawn from such discrepancies in the various accounts amounts simply to this, that about this time the king disappeared, and no one knew what became of him.

It may be said, however, that all contemporary writers agree that the king did die, although they differ as to the manner of his death; yet even this is not the case: on the contrary, the belief that he had escaped, and was alive, seems to have been entertained in England by many, and those the persons most likely to have access to the best information, almost immediately after his being committed to Pontefract, and apparently before there was time to have any communication with Scotland. This can be very convincingly shewn.

Some time after Richard had been conveyed with great secrecy to his prison in Pontefract castle, and previous to his reported death, a conspiracy was formed against Henry the Fourth by the Earls of Kent, Salisbury, and Huntingdon.[2] These noblemen, along with the Bishop of Carlisle and the Abbot of Westminster, were the chief actors in the plot; but they had drawn into it many persons of inferior rank, and, amongst the rest, Maudelain, a priest, who had been a favourite of the king, and who resembled him so completely in face and person, that it is said the likeness might have deceived any one.[3] Their design was to murder Henry at a tournament which they were to hold at Windsor, and to restore King Richard. After everything, however, as they supposed, had been admirably organised, the plot was betrayed to Henry by one of their own number; and on arriving at Windsor, they found that their intended victim had fled to London. They now changed their purpose, and marched to Sunning, near Reading, where Richard's youthful queen resided, who had not at this time completed her ninth year. Here, according to the accounts of Walsingham and Otterburn, the Earl of Kent, addressing the attendants and friends of the queen, informed them that Henry of Lancaster had fled to the Tower of London, and that they were now on their road to meet King Richard, their lawful prince, who had escaped from prison, and was then at the bridge of Radcote with a hundred thousand men.[4] The last part of the assertion was undoubtedly false; the first clause of the sentence contains the first assertion of Richard's escape which I have met with; and I may remark, that with the exception of the two dignified ecclesiastics, none of the conspirators, whose testimony could have thrown light upon the subject, were suffered to live. The Earls of Surrey and of Salisbury were taken and executed at Cirencester; the Lords Lumley and Despencer shared the same fate at Bristol; the Earl of Huntingdon was seized near London, and beheaded at Pleshy; two priests, one of them Maudelain, whose extraordinary likeness to the king has been already noticed, with another named Ferriby, were executed at London; Sir Bernard Brocas and Sir John Shelly shared their fate; and others, whose names Walsingham has not preserved,

[1] Chron. Harl. MS. 4323, p. 68. Archæologia, vol. xx. p. 282.

[2] Walsingham, pp. 362, 363.

[3] Metrical History of Deposition of Richard the Second, Archæologia, vol. xx. p. 213.

[4] The expressions of Walsingham, p. 363, are slightly different from those of Otterburn. Walsingham's words are, "Quia jam evasit de carcere et jacet ad Pontem-fractum cum centum millibus defensorum." Those of Otterburn are, "Qui jam evasit carcere et jacet ad pontem de Radcote cum 100,000 hominum defensionis," pp. 225, 226.

suffered at Oxford.[1] Rapin has asserted that both the ecclesiastics who were involved in the plot, the Abbot of Westminster and the Bishop of Carlisle, died almost immediately—the abbot of a stroke of apoplexy, and the bishop of absolute terror;[2] but this is an error. The Bishop of Carlisle, who was tried and pardoned, undoubtedly lived till 1409. And although the Abbot of Westminster appears to have died of apoplexy, neither the cause nor the time of his death agree with the story in Rapin.[3] It is quite clear, however, that previous to Richard's reported death it was asserted that he had escaped from Pontefract castle.

A contemporary French manuscript, being a Metrical History of the Deposition of Richard the Second, which has been translated and published by Mr Webb in the Archæologia, whilst it confirms the story of Richard's alleged escape, adds, that to induce the people to believe it, they brought Maudelain the priest with them, and dressed him up to personate the king. The passage, which is as follows, is amusing and curious:—"They," says this author, speaking of the conspirators, "had many archers with them. They said that good King Richard had left his prison, and was there with them. And to make this the more credible, they had brought a chaplain, who so exactly resembled good King Richard in face and person, in form and in speech, that every one who saw him certified and declared that he was the old king. He was called Maudelain. Many a time have I seen him in Ireland, riding through the country with King Richard, his master. I have not for a long time seen a fairer priest. They armed the aforesaid as king, and set a very rich crown upon his helm, that it might be believed of a truth that the king was out of prison."[4] I have given this passage from the metrical history, because I wish the reader to be possessed of all the contemporary evidence which may assist him in the discovery of the truth; whilst I acknowledge, at the same time, that the additional circumstance as to the personification of Richard by Maudelain the priest seems at first to militate against the accuracy of the story as to Richard's escape. It ought to be remembered, however, that Walsingham says nothing of this personification; and his evidence, which is that of a contemporary in England, ought to outweigh the testimony of the French Chronicle, which in this part is avowedly hearsay. Neither does Otterburn mention this circumstance, although it was too remarkable to be omitted if it really occurred.

There is, however, another manuscript in the library of the King of France, entitled, "Relation de la prise de Richard Seconde, par Berry Roy d'Armes," which in some measure enables us to reconcile this discrepancy. According to the account which it contains, it was resolved at the meeting of the conspirators, which was held in the house of the Abbot of Westminster, that "Maudelain was to ride with them, to represent King Richard;" but this plan was not afterwards carried into execution. It appears from the same manuscript that Henry himself, when marching against the conspirators, believed the story of Richard's escape. This, I think, is evident from the following passage:—"Next morning, Henry set out to meet his enemies, with only fifty lances and six thousand archers; and drawing up his men without the city, waited three hours for his reinforcements. Here he was reproached by the Earl of Warwick for his lenity, which had brought him into this danger; but he vindicated himself for his past conduct, adding, 'that if he should meet Rich-

[1] Metrical Hist. of Deposition of Richard the Second, p. 215. Archæologia, vol. xx.

[2] Rapin, vol. i. p. 490. Fol. ed. London, 1732.

[3] Godwin, p. 767.

[4] Archæologia, vol. xx. pp. 213, 214. Translation of a French Metrical History of the Deposition of Richard the Second, with prefatory observations, notes, and an appendix, by the Rev. John Webb. Mr Webb's notes are learned and interesting, and have furnished me with some valuable corroborations of the truth of my theory as to Richard's fate. In the above passage, Mr Webb translates "le roy ancien" "the old king:" "the former king" would express the meaning more correctly.

ard now, one of them should die.'"[1] I do not see how Henry could have expressed himself in this way to the Earl of Warwick, unless he then believed that Richard had really escaped, and was about to meet him in the field.

It was almost immediately after the suppression of this conspiracy, and the execution of its authors, that Richard was reported to have died in Pontefract castle; and we now come to the consideration of an extraordinary part of the story, in the exposition of the dead body by Henry, for the purpose of proving to the people that it was the very body of their late king. Of this ceremony Otterburn gives the following account:—"His body was carried and exposed in the principal places intervening betwixt Pontefract and London; that part, at least, of the person was shewn by which he could be recognised—I mean the face, which was exposed from the lower part of the forehead to the throat. Having reached London, it was conveyed to the church of St Paul's, where the king, along with some of his nobles, and the citizens of London, attended the funeral, both on the first and the second day; after the conclusion of the mass, the body was carried back to Langley, in order to be there interred amongst the Preaching Friars; which interment accordingly took place, being conducted without any pomp by the Bishop of Chester and the Abbots of St Albans and of Waltham."[2] The manner in which this funeral procession to St Paul's was conducted is minutely described in the following passage, extracted by Mr Allen from the manuscript in the Royal Library at Paris, already quoted:—"In the year 1399–1400, on the 12th day of March, was brought to the church of St Paul of London, in the state of a gentleman, the body of the noble king Richard. And true it is, that it was in a carriage which was covered with a black cloth,[3] having four banners thereupon, whereof two were the arms of St George, and the other two the arms of St Edward; to wit, Azure, over all a cross Or; and there were a hundred men all clad in black; and each bore a torch. And the Londoners had thirty torches and thirty men, who were all clad in white, and they went to meet the noble King Richard; and he was brought to St Paul's, the head church of London. There he was two days above ground, to shew him to those of the said city, that they might believe for certain that he was dead; for they required no other thing."[4]

This ceremony took place on the 12th of March 1399, nearly a month after the king's reputed death on the 14th of February; and it would appear, from the expressions which are employed, that the citizens of London believed that Richard had escaped, and was alive, and that the exposure of the body was resorted to by Henry as the most probable means of putting down this dangerous report. The question now immediately arises, if Richard was alive, according to the theory which I entertain, in what manner are we to account for this ceremony at St Paul's, and for the body lying in state at the different churches between Pontefract and London? My answer is, that the whole was a deception, ingeniously got up for the purpose of blinding the people, but when narrowly examined, betraying the imposition in a very palpable manner. It is accordingly positively asserted by the contemporary author of the French metrical history

1 Archæologia, vol. xx. pp. 218, 219. From this curious manuscript, which belonged to the celebrated Baluze, large extracts were made by Mr Allen, Master of Dulwich College, a gentleman of deep research in English history, and communicated to Mr Webb, from whose notes I have taken them.

2 Otterburn, p. 229.

3 "There is a curious representation of this chariot in the fine illuminated Froissart in the British Museum, from whence it appears that the carriage was drawn by two horses, one placed before the other, as the five horses were placed in the French carriage of Henry VII., as described by Hall, vol. iii. p. 800."—Gough's Sepulchral Monuments, vol. iii. p. 166.

There is in the same MS. a portrait of Richard the Second when going to arrest the Duke of Gloucester at Pleshy. Archæologia, vol. vi. p. 315.

4 French Metrical History. Archæologia, vol. xx. p. 221.

of Richard's deposition, that the body thus exposed in London was not that of the king, but of Maudelain the priest. I give the passage in Mr Webb's translation:—"Then was the king so vexed at heart by this evil news, that he neither ate nor drank from that hour: and thus, as they say, it came to pass that he died. But, indeed, I do not believe it; for some declare for certain that he is still alive and well, shut up in their prison;—which is a great error in them; although they caused a dead man to be openly carried through the city of London, in such pomp and ceremony as becometh a deceased king, saying that it was the body of the deceased King Richard. Duke Henry there made a show of mourning, holding the pall after him, followed by all those of his blood in fair array, without regarding him, or the evils that they had done unto him. . . Thus, as you shall hear, did they carry the dead body to St Paul's, in London, honourably and as of right appertaineth to a king. But I certainly do not believe that it was the old king; but I think it was Maudelain, his chaplain, who, in face, size, height, and make, so exactly resembled him, that every one firmly thought it was good King Richard. And if it were he, morn and night I heartily make my prayer to the merciful and holy God that he will take his soul to heaven."[1]

A late author, Mr Amyot, in an ingenious paper in the Archæologia, considers that the circumstance of Maudelain having been beheaded rendered such deception impossible. To the support of my ideas as to Richard's escape it is of little consequence whether Maudelain's remains were employed, or some other mode of deception was resorted to—all that I contend for is, that the body thus carried in a litter, or car, to St Paul's was not that of the king. Now, the more narrowly we examine the circumstances attending this exposition of the body at St Paul's, the more completely shall we be convinced, I think, that the French historian is correct, and that it was not the true Richard. Of the king's person a minute description has been left us by the monk of Evesham. "He was of the common or middle size, with yellow hair, his face fair, round, and feminine, rather round than long, and sometimes flushed and red."[2]

Keeping in mind this description of the person of the real Richard, and comparing it with the manner in which Henry conducted the exhibition at St Paul's, a strong suspicion arises that he was not in possession of the actual body of the king. Why was his head entirely concealed, and the face only shewn from the lower part of the forehead to the throat? Richard's yellow hair was the very mark which would have enabled the people to identify their late monarch; and so far from being concealed, we should have been led to expect that it would have been studiously displayed. Had the king, indeed, died by the murderous strokes of Exton and his accomplices, inflicted on the head, there might have been good cause for concealing the gashes; but it will be recollected this cannot be pleaded, as the story is now given up on all hands as a fable.

There is another circumstance, which in my mind corroborates this suspicion of deception:—Henry's wish was to do public honour to the body of the late king. He attended, we see, the service for the dead, and held the pall of the funeral car; but no interment followed, the body was not permitted to be buried in London at all, although there was then a tomb ready, which Richard, previous to his deposition, had prepared for himself in Westminster Abbey, and to which Henry the Fifth afterwards removed the reputed remains of the king.[3] It

[1] French Metrical Hist. pp. 219, 220, 221.

[2] Vita Ricardi II. p. 169.

[3] Richard the Second's Will is to be found published amongst the Royal and Noble Wills, p. 191. The king there directs his body to be buried in "Ecclesia Sancti Petri Westmonasterii—in monumento quod ad nostrum et inclitæ recordacionis Annæ dudum Reginæ Angliæ consortis nostræ, cujus animæ prospicietur altissimus erigi fecimus memoriam." A description and engraving of this monument is to be seen in Gough's Sepulchral Monuments.

was conveyed, apparently, in the same car in which it lay in state, to Langley, in Hertfordshire, and there interred with great secrecy, and without any funeral pomp. "When the funeral service," says Walsingham, "was concluded in the church of St Paul, the king and the citizens of London being present, the body was immediately carried back to Langley, to be interred in the church of the Preaching Friars; the last offices being performed by the Bishop of Chester, the Abbots of St Albans and of Waltham, without the presence of the nobles, and unattended by any concourse of the people, nor was there any one who, after their labours, would invite them to dinner."[1] It must be evident to every one that as Henry's avowed object was to convince the English people that Richard, their late king, was dead and buried, the greater concourse of people who attended his funeral, and the more public that ceremony was made, the more likely was he to attain his desire. In this light, then, the sudden removal from London, the secret burial at Langley, "*sine pompa, sine magnatum præsentia, sine populari turba,*" are circumstances which, I own, create in my mind a strong impression that Henry was not in possession of the real body of the king; that either the head of Maudelain the priest, or some other specious contrivance, was employed to deceive the people, and that the king did not think it prudent to permit a public funeral; because, however easy it may have been to impose upon the spectators, so long as they were merely permitted to see the funeral car in which the body lay covered up with black cloth, and having nothing but the face exposed, the process of removing from the litter, arraying it for the grave, and placing it in the coffin, might have led to a discovery of the deception which had been practised. It is clear that the evidence of a single person who had known the king, had he been permitted to uncover the head and face, and to examine the person, would have been itself worth the testimony of thousands who gazed for a moment on the funeral car, and passed on; and it is for this reason that I set little value on the account of Froissart, (whose history of the transactions connected with Richard's deposition is full of error,)[2] when he asserts that the body was seen by twenty thousand persons, or of Hardyng, who relates that he himself saw the "corse in herse rial;" and that the report was he had been "forhungred" or starved, "and lapte in lede."

Another proof of the conviction of the country that this exhibition of the body of Richard was a deception upon the part of Henry is to be found in the reports of his escape which not long afterwards arose in England, and the perpetual conspiracies in which men of rank and consequence freely hazarded, and in many cases lost their lives, which were invariably accompanied with the assertion that Richard was alive in Scotland. It is a remarkable circumstance that these reports and conspiracies continued from the alleged year of his death, through the whole period occupied by the reigns of Henry the Fourth and Henry the Fifth. The year 1402 absolutely teemed with reports that Richard was alive, as appears from Walsingham. A priest of Ware was one of the first victims of Henry's resentment. He had, it seems, encouraged his brethren, by affirming that Richard was alive, and would shortly come forward to claim his rights; in consequence of which he was drawn and quartered. Not long after eight Franciscan friars were hanged at London for having asserted that Richard was alive, one of whom, a doctor of divinity, named Frisby, owing to the boldness and obstinacy with which he maintained his loyalty, was executed in the habit of his order. About the same time, Walter de Baldock, prior of Launde in Leicestershire, was hanged because he had published the same story. Sir Roger de Clarendon, a natural son of the Black Prince, and one of the

1 Walsingham, p. 363. Otterburn, p. 229.

2 Webb's Translation of the Metrical Hist. of the Deposition of Richard the Second, p. 7. Archæologia, vol. xx.

gentlemen of the bedchamber to Richard the Second, along with his armour-bearer and page, were condemned and executed for the same offence.[1] In these cases there appears to have been no regularly-formed conspiracy, as in the instances to be afterwards mentioned. The Franciscan friars, it is well known, were in the habit of travelling through various countries, and were in constant intercourse with Scotland, where they had many convents.[2] They had probably seen the king, or become possessed of certain evidence that he was alive, and they told the story on their return.

Of these reports, however, we have the best evidence in a paper issued by Henry himself, and preserved in the Fœdera Angliæ.[3] It is a pardon under the privy seal to John Bernard of Offely; and from it we learn some interesting particulars of the state of public belief as to the escape and existence of Richard. Bernard, it seems, had met with one William Balshalf of Lancashire, who on being asked what news he had to tell, answered, "That King Richard, who had been deposed, was alive and well in Scotland, and would come into England upon the Feast of St John the Baptist next to come, if not before it." Balshalf added, "That Serle, who was then with King Richard, had arranged everything for his array and entrance into England, and that they would have timely warning of it; whilst he reported that Henry the Fourth, in fear of such an event, had collected great sums of money from his lieges with the intention of evacuating the kingdom, repairing to Brittany, and marrying the duchess of that country. Bernard then asked Balshalf what was best to be done,—who bade him raise certain men, and take his way to meet King Richard; upon which he went to John Whyte and William Threshire of Offely, to whom he told the whole story, and who immediately consented to accompany him to Athereston, near the Abbey of Merivale, there to await the king's arrival, and give him their support." This conversation Bernard revealed to Henry, and having offered to prove it on the body of Balshalf, who denied it, the king appointed a day for the trial by battle, which accordingly took place, and Balshalf was vanquished. The consequence was a free pardon to Bernard, which is dated on the 1st of June 1402, and in which the above circumstances are distinctly stated. The person of the name of Serle here mentioned as being with Richard in Scotland was undoubtedly William Serle, gentleman of the bedchamber to Richard the Second, and one of the executors of his will.[4] He was infamous as one of the murderers of the Duke of Gloucester, and was soon after engaged in a second plot to restore the king. These transactions took place in 1402, and sufficiently prove the little credit given by the people of England to the story of the king's death, and the funeral service which was enacted at Westminster.

Next year, in 1403, occurred the celebrated rebellion of the Percies, which ended in the battle of Shrewsbury and the death of Hotspur. Previous to the battle the Earl of Worcester and Henry Percy drew up a manifesto, which was delivered to King Henry upon the field by two squires of Percy, in which Henry was charged with having caused Richard to perish by hunger, thirst, and cold, after fifteen days and nights of sufferings unheard of among Christians. Yet, however broad and bold this accusation of murder, the principal persons who made it, and the only ones who survived its publication, afterwards altered their opinions, and employed very different expressions. This manifesto was drawn up in the name of the old Earl of Northumberland, although he had not then joined the army which fought at Shrewsbury, and it was sanctioned and approved by Richard Scrope, archbishop of York.

[1] Walsingham, p. 365. Otterburn, p. 234. Nichol's Leicestershire, vol. iii. pp. 260, 305.

[2] Quetif et Echard, Scriptores Ordinis Prædicatorum, pp. 10, 11.

[3] Rymer, Fœdera, vol. viii. p. 262. A.D. 1402, 1st June.

[4] Richard's Will, in Nichols, p. 200. It is dated 16th April 1399.

It commences, "Nos Henricus Percy, comes Northumbrie, constabularius Angliæ;" and Hardyng the chronicler, who was then with Hotspur and Worcester in the field, as he himself informs us, adds, "that their quarrel was be goode advyse and counseill of Maister Richard Scrope, archebishope of Yorke." Now, it will immediately be seen that two years after this, in 1405, Scrope and the Earl engaged in a second conspiracy against Henry; and in the articles which they then published, the positive statement in the manifesto as to Richard's death is materially changed.[1] I may here again use the words of Mr Amyot, in his paper on the death of Richard the Second. "On turning," says he, "from this letter of defiance in 1403 to the long and elaborate manifesto of Archbishop Scrope and the Yorkshire insurgents in 1405, we shall find a considerable diminution in the force of the charge, not indeed that one single day is abated out of the fifteen allotted to the starvation, but the whole story is qualified by the diluting words, '*ut vulgariter dicitur*.' So that in two years the tale, which had before been roundly asserted as a fact, must have sunk into a mere rumour."[2] The accusation of the Percies, therefore, which is the only broad and unqualified charge brought against Henry by contemporaries, is not entitled to belief, as having been virtually abandoned by the very persons to whom it owes its origin.

This conspiracy of Hotspur having been put down in 1403, in 1404 Henry was again made miserable by new reports proceeding from Scotland regarding the escape of Richard, and his being alive in that country. These rumours, we learn from Otterburn, not only prevailed amongst the populace, but were common even in the household of the king.[3] Serle, one of the gentlemen of Richard's bedchamber, who, as we have already seen, had repaired to Scotland, returned from that country with positive assertions that he had been with Richard, from whom he brought letters and communications, addressed under his privy seal to his friends in England.[4] Maud, the old Countess of Oxford, a lady far advanced in life, and little likely to engage upon slight information in any plot, "caused it to be reported," says Walsingham, "throughout Essex by her domestics that King Richard was alive, and would soon come back to recover and assert his former rank. She caused also little stags of silver and gold to be fabricated, presents which the king was wont to confer upon his most favourite knights and friends, so that by distributing these in place of the king she might the more easily entice the most powerful men in that district to accede to her wishes. In this way," continues Walsingham, "she compelled many to believe that the king was alive, and the report was daily brought from Scotland that he had there procured an asylum, and only waited for a convenient time when, with the strong assistance of the French and the Scots, he might recover the kingdom."[5] Walsingham then goes on to observe that the plot of the countess was not only favoured by the deception of Serle, but that she had brought over to her belief several abbots of that country, who were tried and committed to prison; and that in particular a clerk, who had asserted that he had lately talked with the king, describing minutely his dress and the place of the meeting, was rewarded by being drawn and hanged.[6]

It is stated by Dr Lingard, in his account of this conspiracy,[7] on the

[1] We owe the publication of this curious and interesting manifesto to Sir Henry Ellis. Archæologia, vol. xvi. p. 141. "Tu ipsum dominum nostrum regem et tuum, proditorie in castro tuo de Pountefreite, sine consensu suo, seu judicio dominorum regni, per quindecim dies et tot noctes, quod horrendum est inter Christianos audiri, fame, scitu, et frigore interfici fecisti, et murdro periri, unde perjuratus es, et falsus."

[2] Archæologia, vol. xx. p. 436.

[3] Otterburn, p. 249. "Quo mortuo cessavit in regno de vita Regis Ric: confabulatio quæ prius viguit non solum in vulgari populo sed etiam in ipsa dominis regis domo."

[4] Walsingham, p. 370.

[5] Ibid. [6] Ibid. pp. 370, 371.

[7] Vol. iv. p. 398.

authority of Rymer's Fœdera, and the Rolls of Parliament, that Serle being disappointed of finding his master alive, prevailed upon a person named Warde to personate the king, and that many were thus deceived. Although, however, this personification by Warde is distinctly asserted in Henry's proclamation, it is remarkable that it is not only omitted by Walsingham, but is inconsistent with his story; and the total silence of this historian, as also that of Otterburn, (both of them contemporaries,) induces me to believe that the story of Thomas Warde personating King Richard was one of those forgeries which Henry, as I shall afterwards shew, did not scruple to commit when they could serve his purposes. What became afterwards of Warde cannot be discovered, but Serle was entrapped and taken by Lord Clifford, and according to Walsingham, confessed that the person whom he had seen in Scotland was indeed very like the king, but not the king himself, although to serve his own ends he had persuaded many both in England and in Scotland that it was Richard.[1] It would be absurd, however, to give much weight to this confession, made by a convicted murderer, and spoken under the strongest motives to conciliate the mind of the king and obtain mercy for himself. To obtain this, the likeliest method was to represent the whole story regarding Richard as a falsehood. It may be remarked also that in Otterburn there is not a word of Serle's confession, although his seizure and subsequent execution are particularly mentioned.[2]

The conduct of the king immediately after this is well worthy of remark, as we may discern in it, I think, a striking proof of his own convictions upon this mysterious subject. He issued instructions to certain commissioners, which contain conditions to be insisted on as the basis of a treaty with Scotland,[3] and in these there is no article regarding the delivery of this pretended king, although his proclamation, as far back as the 5th June 1402,[4] shews that he was quite aware of his existence, and his constant intercourse with that country must have rendered him perfectly familiar with all the circumstances attending it. Is it possible to believe that Henry, if he was convinced that an impostor was harboured at the court of the Scottish king, whose existence there had been the cause of perpetual disquiet and rebellion in his kingdom, would not have insisted that he should be delivered up, as Henry the Seventh stipulated in the case of Perkin Warbeck? But Warbeck was an impostor, and the seventh Henry never ceased to adopt every expedient of getting him into his hands, whilst Henry the Fourth, at the very moment that he has put down a conspiracy which derived its strength from the existence of this mysterious person in Scotland, so far from stipulating as to his delivery, does not think it prudent to mention his name. This difference in the conduct of the two monarchs, both of them distinguished for prudence and sagacity, goes far, I think, to decide the question, for, under the supposition that he who was kept in Scotland was the true Richard, it became as much an object in Henry the Fourth to induce the Scots to keep him where he was as in Henry the Seventh to get Perkin into his hands, and a wary silence was the line of policy which it was most natural to adopt.

There is a remarkable passage in Walsingham regarding an occurrence which took place in this same year, 1404, which proves that in France, although Henry at first succeeded in persuading Charles the Sixth that his son-in-law, Richard, was dead, the deception was discovered, and in 1404 the French considered the king to be alive. "The French," says this writer, "at the same time came to the Isle of Wight with a large fleet, and sent some of their men ashore, who demanded supplies from the islanders in the name of King Richard and Queen

[1] Walsingham, p. 371.
[2] Otterburn, p. 249.
[3] Rymer, Fœdera, vol. viii. p. 384.
[4] Rymer, Fœdera, vol. viii. p. 261.

Isabella, but they were met by the answer that Richard was dead."[1]

An additional proof of the general belief in France of Richard's escape and safety is to be found in a ballad composed by Creton, the author of the Metrical History of the Deposition of Richard the Second, which has been already quoted. We see from the passage giving a description of the exposition of the body at St Paul's, that this author inclined to believe the whole a deception, and gave credit to the report, even then prevalent, that the king was alive. In 1405, however, he no longer entertains any doubt upon the subject, but addresses an epistle in prose to the king himself, expressing his joy at his escape, and his astonishment that he should have been able to survive the wretched condition to which he had been traitorously reduced. I am sorry that the learned author, from whose notes I take this illustration, enables me only to give the commencement of the epistle, and the first stanza of the ballad; but even these, though short, are quite decisive. His epistle is thus inscribed :—"Ainsi come vraye amour requiert a tres noble prince et vraye Catholique Richart d'Engleterre, je, Creton ton liege serviteur te renvoye ceste Epistre." The first stanza of the ballad is equally conclusive.

"O vous, Seignors de sang royal de France,
Mettez la main aux armes vistement,
Et vous avez certaine cognoissance
Du roy qui tant a souffert de tourment
Par faulx Anglois, qui traiteusement
Lui ont tollu la domination ;
Et puis de mort fait condempnation.
Mais Dieu, qui est le vray juge es saintz [cieulx,
Lui a sauvé la vie. Main et tart
Chascun le dit par tut, jeunes et vieulx.
C'est d'Albion le noble Roy Richart."[2]

Not long after the plot of Serle had been discovered and put down in 1404, there arose, in 1405, the conspiracy of the Earl of Northumberland and Archbishop Scrope, to which I have already alluded. In their manifesto, published before the battle of Shrewsbury, they had accused Henry in unqualified terms of the murder, whereas now, in the "Articles of Richard Scrope against Henry the Fourth,"[3] the addition of the words "*ut vulgariter dicitur*," shews, as I have already observed, that the strong convictions of Henry's guilt had sunk by this time into vague rumour; but the Parliamentary Rolls,[4] which give a minute and interesting account of the conspiracy, furnish us with a still stronger proof of Northumberland's suspicion of Richard's being alive, and prove, by the best of all evidence, his own words, that one principal object of the conspirators was to restore him, if this was found to be true.

It appears from these authentic documents that in the month of May 1405 the Earl of Northumberland seized and imprisoned Sir Robert Waterton, "esquire to our lord the king," keeping him in strict confinement in the castles of Warkworth, Alnwick, Berwick, and elsewhere. The reader will recollect that, according to the evidence of Winton, Richard was delivered to two gentlemen of the name of Waterton and Swinburn, who spread a report of his escape; and it is not improbable that the object of Northumberland, in the seizure of Waterton, was to arrive at the real truth regarding this story of his escape, to ascertain whether it was a mere fable, and whether the king actually had died in Pontefract castle, or might still be alive in Scotland, as had been confidently reported. It is of consequence, then, to observe Northumberland's conduct and expressions regarding Richard, after having had Waterton in his hands; and of both we have authentic evidence in the Parliamentary Rolls. He, and the rest of the conspirators, the Archbishop of York, Sir Thomas Mowbray, Sir John Fauconberg, Lord Hastings, and their accomplices, sent three commissioners, named Lasingsby, Boynton, and Bur-

[1] Walsingham, p. 370. "Gallici," says this writer, "circa tempus illud venerunt ante Vectam insulam cum magna classe, miseruntque de suis quosdam qui peterent nomine regis Richardi et Isabellæ reginæ tributum, vel speciale subsidium ab insulanis. Qui responderunt regem Richardum fuisse defunctum."

[2] Metrical History of the Deposition of Richard the Second, with notes by Mr Webb. Archæologia, vol. xx. p. 189.

[3] Wharton's Anglia Sacra, p. 362, pars ii.

[4] Rolls of Parliament, vol. iii. p. 605.

ton, into Scotland, to enter into a treaty with Robert the Third, who died soon after, and at the same time to communicate with certain French ambassadors, who, it appears, were at that time in Scotland; and the avowed object of this alliance is expressly declared by Northumberland in his letter to the Duke of Orleans. It is as follows:—"Most high and mighty prince, I recommend myself to your Lordship; and be pleased to know that I have made known by my servants, to Monsieur Jehan Chavbreliack, Mr John Andrew, and John Ardinguill, called Reyner, now in Scotland, and ambassadors of a high and excellent prince, the King of France, your lord and brother, my present intention and wish, which I have written to the king your brother. It is this, that with the assistance of God, with your aid, and that of my allies, I have embraced a firm purpose and intention to sustain the just quarrel of my sovereign lord King Richard, if he is alive, and if he is dead, to avenge his death; and, moreover, to sustain the right and quarrel which my redoubted lady, the Queen of England, your niece, may have to the kingdom of England, and for this purpose I have declared war against Henry of Lancaster, at present Regent of England." This letter, which will be found at length in the note below,[1] is written from Berwick, and although the precise date is not given, it appears, by comparison with other deeds connected with the same conspiracy preserved in the Fœdera and the Rotuli Scotiæ, to have been written about the 10th of June. The Parliamentary Rolls go on to state that, in this same month of June, Northumberland and his accomplices seized Berwick, and traitorously gave it up to the Scots, the enemies of the king, to be pillaged and burnt.

It is of importance to attend to the state of parties in Scotland at this time. The persons in that country with whom Northumberland confederated to sustain the quarrel of King Richard were the loyal faction opposed to Albany, and friends to Prince James, whom that crafty and ambitious statesman now wished to supplant. Albany himself was at this moment in strict alliance with Henry the Fourth, as is shewn by a manuscript letter preserved in the British Museum, dated from Falkland on the 2d of June, and by a mission of Rothesay herald, to the same monarch, on the 10th of July.[2] Wardlaw, bishop of St Andrews, Sinclair, earl of Orkney, and Sir David Fleming of Cumbernauld, to whose care, it will be recollected, Winton informs us Richard of England had been committed, opposed themselves to Albany, and having determined, for the sake of safety, to send Prince James to France, entered,

[1] Rolls of Parliament, vol. iii. p. 605. "Tres haut et tres puissant prince, jeo me recomance a vostre seigneurie; a laquelle plese asavoir que jay notifie par mes gentz, a Mons. Johan Chavbreliak, Meistre Johan Andrew, et Johan Ardinguill dit Reyner, ambassatours de tres haut et tres excellent prince le Roy de France, vostre sieur et frere, esteantz en Escoce, mon entencion et voluntée, laquelle je escriptz au roy vostre dit sieur et frere; laquelle est, que a l'aide de Dieu, de le vostre et des plusours mes allies, j'ay entencion et ferme purpos de sustener le droit querelle de mon soverein sieur le Roy Richard, s'il est vif, et si mort est, de venger sa mort, et aussi de sustener la droit querele que ma tres redoubte dame le Royne d'Engleterre, vostre niece, poit avoir reasonablement au Roiaeme d'Engleterre, et pur ceo ay moeve guerre a Henry de Lancastre, a present regent d'Angleterre; et car jeo foy que vouz ames et sustenuz ceste querelle, et autres contre le dit Henry jeo vous prie et require, que en ceo vous moi voilles aider et soccorer, et ausi moi aider eius le tres haut et tres excellent prince le Roy de France, vostre dit sieur et frere, que les choses desquelles jeo lui escriptz, et dont vous enformeront au plain les ditz ambassatours, preignent bone et brief conclusion, quar en vite, en tout ceo que jeo vous pourra servier a sustener de par decea les ditz querelles encontre le dit Henry, jeo le ferra voluntiers de tout mon poair. Et vous plese de croiere leo ditz ambassatours de ceo qu'ils vous dirront de par moy; le Saint Esprit tres haut et tres puissant prince vous ait en sa garde. Escript à Berwyck, &c.

"A tres haut et tres puissant prince le Duc d'Orleans, Count de Valois et de Blois, et Beaumond et Sieur de Courcy." No date is given, but it immediately succeeds June 21, 1405.

[2] Pinkerton, Hist. vol. i. p. 82. In the Cottonian Catalogue, p. 498, No. 114, I find a letter from Robert, duke of Albany, to Henry the Fourth, thanking him for his good treatment of Murdoch, his son, and the favourable audiences given to Rothesay, his herald, dated Falkland, June 4, 1405.

as we see, into a strict alliance with the Earl of Northumberland, in his conspiracy for overturning the government of Henry the Fourth.

The events which followed immediately after this greatly favoured the usurpation of Albany. Prince James was taken on his passage to France, probably in consequence of a concerted plan between Albany and Henry. David Fleming, according to Bower,[1] was attacked and slain on his return from accompanying James to the ship, by the Douglases, then in alliance with Albany; and the old king, Robert the Third, died, leaving the government to the uncontrolled management of his ambitious brother, whilst his son, now king, was a prisoner in the Tower. Meanwhile, Sinclair, the earl of Orkney, joined Northumberland at Berwick;[2] but the rebellion of that potent baron and his accomplices having entirely failed, he and the Lord Bardolf fled into Scotland, from which, after a short while, discovering an intention upon the part of Albany to deliver them into the hands of Henry, they escaped into Wales. We know, from the Chamberlain Accounts, that immediately after the death of Robert the Third Albany obtained possession of the person of Richard. In this way, by a singular combination of events, while the Scottish governor held in his hands the person who, of all others, was most formidable to Henry, this monarch became possessed of James the First of Scotland, the person of all others to be most dreaded by the governor. The result was, that Albany and Henry, both skilful politicians, in their secret negotiations could play off their two royal prisoners against each other; Albany consenting to detain Richard so long as Henry agreed to keep hold of James. The consequence of this policy was just what might have been expected. Richard died in Scotland, and James, so long as Albany lived, never returned to his throne or to his kingdom; although, during the fifteen years of Albany's usurpation, he had a strong party in his favour, and many attempts were made to procure his restoration. It seems to me, therefore, that this circumstance of Albany having Richard in his hands furnishes us with a satisfactory explanation of two points, which have hitherto appeared inexplicable. I mean, the success with which the governor for fifteen years defeated every negotiation for the return of James, and the unmitigable severity and rage which this monarch on his return, and throughout his reign, evinced towards every member of the family of Albany.

Even after this grievous disaster of Northumberland in 1405, the reports regarding Richard being still alive revived, and broke out in the capital; and Percy, the indefatigable enemy of Henry, along with Lord Bardolf, made a last attempt to overturn his government. "At this time," says Walsingham, speaking of the year 1407, "placards were fixed up in many places in London, which declared that King Richard was alive, and that he would soon come to claim his kingdom with glory and magnificence; but not long thereafter the foolish inventor of so daring a contrivance was taken and punished, which allayed the joy that many had experienced in consequence of this falsehood."[3] Who the person was whom Walsingham here designates as the inventor of these falsehoods does not appear from any part of his own history, or from any of the public papers in the Fœdera or the Parliamentary Rolls; but we may connect these reports, on good grounds I think, with Percy and Lord Bar-

[1] If we believe Walsingham, pp. 374, 375, however, the chronology is different. Fleming was not slain till some months afterwards, and lived to receive Northumberland and Bardolf on their flight from Berwick; after which he discovered to them a plot of Albany's for their being delivered up to Henry, and, by his advice, they fled into Wales, in revenge for which Fleming was slain by the party of Albany.*

[2] John, son of Henry, says, in a letter to his father, (Vesp. F. vii. f. 95, No. 2,) that Orkney had joined Northumberland and Bardolf at Berwick. The letter is dated 9th June, in all appearance 1405, says Pinkerton, vol. i. p. 82. The circumstances mentioned prove that it was, without doubt, in 1405.

* Ypodigma Neustria, p. 566.

[3] Walsingham, p. 376.

dolf, who, in 1408, proceeded from Scotland into Yorkshire, and after an ineffectual attempt to create a general insurrection in that country, were entirely defeated, Northumberland being slain, and Bardolf dying soon after of his wounds. The reader will recollect, perhaps, a passage already quoted from Bower,[1] in which this historian states that, amongst other honourable persons who fled with Northumberland and Lord Bardolf into Scotland, was the Bishop of Bangor; and I may mention it as a striking confirmation of the accuracy of this account, that the Bishop of Bangor, according to Walsingham, was taken in the battle along with Percy, and that, as the historian argues, he deserved to have his life spared because he was unarmed. His fellow-priest, the Abbot of Hayles, who was likewise in the field, and had changed the cassock for the steel coat, was hanged.[2] When Bower is thus found correct in one important particular, I know not why we are entitled to distrust him in that other limb of the same sentence which mentions the existence of Richard in Scotland.

It was originally my intention to have entered into an examination of the diplomatic correspondence which took place subsequent to this period between Albany, the governor of Scotland, and Henry the Fourth and Fifth; in which, I think, it would not be difficult to point out some transactions creating a presumption that Albany was in possession of the true King Richard. The limits, however, within which I must confine these observations will not permit me to accomplish this; and any intelligent reader who will take the trouble to study this correspondence as it is given in the Rotuli Scotiæ will not find it difficult to discover and arrange the proofs for himself. I must be permitted, therefore, to step at once from this conspiracy of Northumberland, which took place in 1408, to the year 1415, when Henry the Fifth was preparing for his invasion of France. At this moment, when the king saw himself at the head of a noble army, and when everything was ready for the embarkation of the troops, a conspiracy of a confused and obscure nature was discovered, which, like every other conspiracy against the government of Henry the Fourth and Henry the Fifth, involved a supposition that Richard the Second might still be alive. The principal actors in this plot were Richard, earl of Cambridge, brother to the duke of York, and cousin to the king, Henry, lord Scroop of Marsham, and Sir Thomas Grey of Heton in Northumberland; and the only account which we can obtain of it is to be found in a confession of the Earl of Cambridge, preserved in the Fœdera Angliæ, and in the detail of the trial given in the Rolls of Parliament, both papers evidently fabricated under the eye of Henry the Fifth, and bearing upon them marks of forgery and contradiction.

According to these documents, the object of the conspirators was to carry Edmund, the earl of March, into Wales, and there proclaim him king, as being the lawful heir to the crown, in place of Henry of Lancaster, who was stigmatised as a usurper. This, however, was only to be done, provided (to use the original words of the confession of the Earl of Cambridge) "yonder manis persone, wych they callen Kyng Richard, had nauth bene alyve, as Y wot wel that he wys not alyve."[3] The absurdity and inconsistency of this must be at once apparent. In the event of Richard being dead, the Earl of March was without doubt the next heir to the crown, and had been declared so by Richard himself; and the avowed object of the conspirators being to place this prince upon the throne, why they should delay to do this, till they ascertain whether the person *calling himself King Richard is alive*, is not very easily seen, especially as they declare, in the same breath, that they are well aware this person is not *alive*. Yet this may be almost pronounced consistency, when compared with the contradiction which follows: for we find it stated, in al-

[1] Fordun a Goodal, vol. ii. p. 441.
[2] Walsingham, p. 377.
[3] Fœdera, vol. ix. p. 300.

most the next sentence, by the Earl of Cambridge, that he was in the knowledge of a plan entered into by Umfraville and Wederyngton, for the purpose of bringing in this very "persone wych they named Kyng Richard," and Henry Percy, out of Scotland, with a power of Scots, with whose assistance they hoped to be able to give battle to the king, for which treasonable intention the earl submits himself wholly to the king's grace. It is difficult to know what to make of this tissue of inconsistency. The Earl of March is to be proclaimed king, provided it be discovered that the impostor who calls himself Richard is not alive, it being well known that he is dead, and although dead, ready, it would seem, to march out of Scotland with Umfraville and Wederyngton, and give battle to Henry.[1]

The account of the same conspiracy given in the Parliamentary Rolls is equally contradictory, and in its conclusion still more absurd. It declares that the object of the conspirators was to proclaim the Earl of March king, "in the event that Richard the Second, king of England, was actually dead;" and it adds, that the Earl of Cambridge and Sir Thomas Grey had knowledge of a design to bring Thomas of Trumpyngton, an idiot, from Scotland, to counterfeit the person of King Richard, who, with the assistance of Henry Percy and some others, was to give battle to Henry.[2] It was already remarked, in the account of the conspiracy of the old Countess of Oxford, in 1404, that the assertion then made by Henry the Fourth, in a proclamation in Rymer, that Thomas Warde of Trumpyngton "pretended that he was King Richard," was one of those forgeries which this monarch did not scruple to commit to serve his political purposes; none of the contemporary historians giving the least hint of the appearance of an impostor at this time, and Serle, in his confession, not having a word upon the subject. Besides, we hear nothing of Warde till 1404; and we know, from Henry's own proclamation, that Richard the Second was stated to be alive in Scotland as early as June 1402;[3] whilst, in 1404, when Warde is first mentioned, he comes before us as having personated the king in England, or rather as then in the act of personating the king in England. Here, too, by Henry the Fourth's description of him in 1404, he is an Englishman, and in his sound senses; how, then, in 1415 does he come to be a Scotsman, and an idiot? The truth seems to be, that Henry the Fifth, in manufacturing these confessions of the Earl of Cambridge, having found it stated by his father that Thomas Warde of Trumpyngton, in 1404, pretended to be King Richard, and that "there was an idiot in Scotland who personated the king," joined the two descriptions into one portentous person, Thomas of Trumpyngton, a Scottish idiot, who was to enact Richard the Second, and at the head of an army to give battle to the hero of Agincourt. Most of my readers, I doubt not, will agree with me in thinking that, instead of an idiot, this gentleman from Trumpyngton must have been a person of superior powers.

It is impossible, in short, to believe for a moment that the accounts in the Parliamentary Rolls and in Rymer give us the truth, yet Cambridge, Scroop, and Grey were executed; and the summary manner in which their trial was conducted is as extraordinary as the accusation. A commission was issued to John, earl Marshal, and eight others, empowering any two of them, William Lasingsby, or Edward Hull, being one of the number, to sit as judges for the inquiry of all treasons carried on within the county by the oaths of a Hampshire jury. Twelve persons, whose names Carte observes were never heard of before, having been impannelled, the three persons accused were found guilty on the single testimony of the constable of Southampton castle, who swore that, having spoke to each of them alone upon the subject, they had confessed their guilt, and thrown themselves on the king's mercy. Sir Thomas Grey

[1] Fœdera, vol. ix. p. 300.
[2] Parliamentary Rolls, vol. iv. p. 65.
[3] Rymer, vol. viii. p. 261.

was condemned upon this evidence, of which, says Carte, it will not be easy to produce a precedent in any former reign; but the Earl of Cambridge and Lord Scroop pleaded their peerage, and Henry issued a new commission to the Duke of Clarence, who summoned a jury of peers. This, however, was a mere farce; for the commission having had the records and process of the former jury read before them, without giving the parties accused an opportunity of pleading their defence, or even of appearing before their judges, condemned them to death, the sentence being carried into instant execution.

It is obvious, from the haste, the studied concealment of the evidence, the injustice and the extraordinary severity of the sentence, that the crime of Cambridge, Scroop, and Grey was one of a deep dye; and, even in the garbled and contradictory accounts given in the Parliamentary Rolls, we may discern, I think, that their real crime was not the design of setting up March as king, but their having entered into a correspondence with Scotland for the restoration of Richard the Second. That the story regarding March was disbelieved is indeed shewn by Henry himself, who instantly pardoned him, and permitted him to sit as one of the jury who tried Scroop and Cambridge; but that Cambridge, Scroop, and Grey, were in possession of some important secret, and were thought guilty of some dark treason which made it dangerous for them to live, is quite apparent.[1]

It seems to me that this dark story may be thus explained: Scroop and Cambridge, along with Percy, Umfraville, and Wederyngton, had entered into a correspondence with the Scottish faction who were opposed to Albany, the object of which was to restore Richard, and to obtain the return of James, Albany himself being then engaged in an amicable treaty with Henry, with the double object of obtaining the release of his son Murdoch, who was a prisoner in England, and of detaining James the First in captivity. At this moment the conspiracy of Cambridge was discovered; and Henry, in order to obtain full information for the conviction of the principals, pardoned Percy, and the two accomplices Umfraville and Wederyngton, and obtained from them a disclosure of the plot. He then agreed with Albany to exchange Murdoch for Percy; but we learn, from the MS. instructions regarding this exchange, which are quoted by Pinkerton,[2] that a secret clause was added, which declared that the exchange was only to take place provided "Percy's consent to fulfil what Robert Umfraville and John Witherington have promised Henry in his name." Percy's promise to Henry was, as I conjecture, to reveal the particulars of the plot, and renounce all intercourse with Richard.

This conspiracy was discovered and put down in 1416, and the campaign which followed was distinguished by the battle of Agincourt, in which, amongst other French nobles, the Duke of Orleans was taken prisoner, and became a fellow captive with James the First. In July 1417, Henry the Fifth again embarked for Normandy; but when engaged in preparations for his second campaign he detected a new plot, the object of which was to bring in the "*Mamuet*" of Scotland, to use the emphatic expression which he himself employs. I need scarcely remark that the meaning of the old English word Mamuet, or Mammet, is a puppet, a figure dressed up for the purpose of deception; in other words, an impostor. The following curious letter, which informs us of this conspiracy, was published by Hearne, in

[1] We have seen that Henry directs that one of the two justices who are to sit on the trial shall be either Edward Hull or William Lasingsby; and it may perhaps be recollected that William Lasingsby, Esq., was himself engaged with Northumberland, in 1405, in the conspiracy for the restoration of Richard, being one of the commissioners sent into Scotland to treat with Robert the Third and the French ambassadors. It is probable, therefore, that he knew well whether Richard of Scotland was, or was not, the true Richard; and his being selected as one of the judges makes it still more probable that the real crime of the conspirators was a project for the restoration of the king.

[2] Vol. i. p. 97.

his Appendix to the Life of Henry the Fifth, by Titus Livius of Forojulii:—"Furthermore I wole that ye commend with my brother, with the Chancellor, with my cousin of Northumberland, and my cousin of Westmoreland, and that ye set a good ordinance for my north marches; and specially for the Duke of Orleans, and for all the remanent of my prisoners of France, and also for the King of Scotland. For as I am secretly informed by a man of right notable estate in this lond, that there hath bene a man of the Duke of Orleans in Scotland, and accorded with the Duke of Albany, that this next summer he shall bring in the Mamuet of Scotland, to stir what he may; and also, that there should be foundin wayes to the having away especially of the Duke of Orleans, and also of the king, as well as of the remanent of my forsaid prisoners, that God do defend. Wherefore I wole that the Duke of Orleance be kept still within the castle of Pomfret, without going to Robertis place, or any other disport. For it is better he lack his disport, than we were disteyned of all the remanent."[1] With regard to Albany's accession to this plot, it is probable that Henry was misinformed; and that the party which accorded with Orleans was the faction opposed to the governor, and desirous of the restoration of James. The letter is valuable in another way, as it neither pronounces the Mamuet to be an idiot, nor identifies him with Thomas of Trumpyngton.

There is yet, however, another witness to Richard's being alive in 1417, whose testimony is entitled to the greatest credit, not only from the character of the individual himself, but from the peculiar circumstances under which his evidence was given—I mean Lord Cobham, the famous supporter of the Wickliffites, or Lollards, who was burnt for heresy on the 25th of December 1417. When this unfortunate nobleman was seized, and brought before his judges to stand his trial, he declined the authority of the court; and being asked his reason, answered, that he could acknowledge no judge amongst *them, so long as his liege lord King Richard was alive in Scotland.* The passage in Walsingham is perfectly clear and decisive:—"Qui confestim cum summa superba et abusione respondit, se non habere judicem inter eos, vivente ligio Domino suo, in regno Scotiæ, rege Richardo; quo responso accepto, quia non opus erat testibus, sine mora jussus est trahi et suspendi super furcas atque comburi, pendens in eisdem."[2] Lord Cobham, therefore, at the trying moment when he was about to answer to a capital charge, and when he knew that the unwelcome truth which he told was of itself enough to decide his sentence, declares that Richard the Second, his lawful prince, is then alive in Scotland. It is necessary for a moment to attend to the life and character of this witness, in order fully to appreciate the weight due to his testimony. It is not too much to say that, in point of truth and integrity, he had borne the highest character during his whole life; and it is impossible to imagine for an instant that he would have stated anything as a fact which he did not solemnly believe to be true. What, then, is the fair inference to be drawn from the dying declaration of such a witness? He had sat in parliament, and had been in high employments under Richard the Second, Henry the Fourth, and Henry the Fifth. He was sheriff of Herefordshire in the eighth year of Henry the Fourth; and as a peer, had summons to parliament among the barons in the eleventh, twelfth, and thirteenth of that king's reign, and in the first of Henry the Fifth. He was, therefore, in high confidence and employment, and co not hav e been

[1] Titi Livii Forojul. Vita Henrici V. p. 99. This letter, also, is the first in that very interesting publication of Original Letters, which we owe to Sir Henry Ellis. Neither this writer, however, nor Hearne have added any note upon the expression the *Mamuet* of Scotland, which must be obscure to an ordinary reader. The letter itself, and the proof it contains in support of this theory of Richard's escape, was pointed out to me by my valued and learned friend, Adam Urquhart, Esq.

[2] Walsingham, p. 591.

ignorant of the measures adopted by Henry the Fourth to persuade the people of England that Richard was dead. He sat in the parliament of 1399, which deposed him; there is every reason to believe he was one of the peers summoned in council on the 9th of February 1399-1400, only four days previous to Richard's reputed death; and that he sat in the succeeding parliament, which met on the 21st of January 1401. The exhibition of the body at St Paul's, where all the nobility and the barons attended; the private burial at Langley, and the proclamations of Henry, declaring that Richard was dead and buried, must have been perfectly well known to him; and yet, in the face of all this, he declares in his dying words, pronounced in 1417, that Richard the Second, his liege lord, is then alive in Scotland. We have, therefore, the testimony of Lord Cobham that the reputed death of Richard in Pontefract castle, the masses performed over the dead body at St Paul's, and its burial at Langley, were all impudent fabrications. It is, I think, impossible to conceive evidence more clear in its enunciation, more solemn, considering the time when it was spoken, and, for the same reason, more perfectly unsuspicious.

I know not that I can better conclude these remarks upon this mysterious subject than by this testimony of Lord Cobham in support of the hypothesis which I have ventured to maintain. Other arguments and illustrations certainly might be added, but my limits allow me only to hint at them. It might be shewn, for instance, that not long after Sir David Fleming had obtained possession of the person of Richard, Henry the Fourth engaged in a secret correspondence with this baron, and granted him a passport to have a personal interview; it might be shewn, also, that in 1404 Robert the Third, in his reply to a letter of Henry the Fourth, referred the English king to David Fleming for some particular information; that Henry was about the same time carrying on a private negotiation with Lord Montgomery, to whom the reader will recollect Richard had been delivered; whilst there is evidence that, with the Lord of the Isles, and with the chaplain of that pirate prince in whose dominions Richard was first discovered, the King of England had private meetings, which appear to have produced a perceptible change in the policy of Henry's government towards Scotland. I had intended, also, to point out the gross forgeries of which Henry had condescended to be guilty, in his public account of the deposition of Richard, in order to shew the very slender credit which is due to his assertions regarding the death and burial of this prince; but I must content myself with once more referring to Mr Webb's Notes on the Metrical History of the Deposition of Richard, from which I have derived equal instruction and amusement.

In conclusion, I may observe, that whatever side of the question my readers may be inclined to adopt, an extraordinary fact, or rather series of facts, is established, which have hitherto been overlooked by preceding historians. If disposed to embrace the opinion which I have formed after a careful and, I trust, impartial examination of the evidence, the circumstance of Richard's escape, and subsequent death in Scotland, is a new and interesting event in the history of both countries. If, on the other hand, they are inclined still to believe the ordinary accounts of the death of this monarch in 1399, it must be admitted, for it is proved by good evidence, that a mysterious person appeared suddenly in the dominions of Donald of the Isles; that he was challenged by one who knew Richard as being the king in disguise; that he denied it steadily, and yet was kept in Scotland in an honourable captivity for eighteen years, at great expense; that it was believed in England, by those best calculated to have accurate information on the subject, that he was the true King Richard; and that, although his being detained and recognised in Scotland was the cause of repeated conspiracies for his restoration, which shook the

government both of Henry the Fourth and Henry the Fifth, neither of these monarchs ever attempted to get this impostor into their hands, or to expose the cheat by insisting upon his being delivered up, in those various negotiations as to peace or truce which took place between the two kingdoms. This last hypothesis presents to me difficulties which appear at present insurmountable; and I believe, therefore, that the chapel at Stirling contained the ashes of the true Richard.

I entertain too much respect, however, for the opinion of the many learned writers who have preceded me, and for the public judgment which has sanctioned an opposite belief for more than four hundred years, to venture, without further discussion, to transplant this romantic sequel to the story of Richard the Second into the sacred field of history. And it is for this reason that, whilst I have acknowledged the royal title in the Notes and Illustrations, I have expressed myself more cautiously and hypothetically in the body of the work.[1]

CHAPTER III.

JAMES THE SECOND.

1436—1460.

The assassination of James the First, and the succeeding minority of his son, a boy of only six years of age, was, if not a triumph to the majority of the Scottish nobility, at least an event eminently favourable to their power and pretensions. His murderers, it is true, whether from the instant execration which bursts out against a deed of so dark and sanguinary a character, or from the personal revenge of the queen-mother, were punished with speedy and unmitigated severity. Yet, when the first sentiments of horror and amazement were abated, and the Scottish aristocracy begun to regard the consequences likely to arise from the sudden destruction which had overtaken the king in the midst of his schemes for the abridgment of their exorbitant power, it is impossible but that they should have contemplated the event of his death with secret satisfaction. The sentiments so boldly avowed by Graham in the midst of his tortures, that the day was near at hand when they would bless his memory for having rid them of a tyrant, must have forcibly recurred to their minds; and when they regarded the fate of the Earl of March, so summarily and cruelly stript of his immense possessions, and contemplated the magnitude of James's plans, and the stern firmness with which, in so short a reign, he had carried them into effect, we can readily believe that the recovery of the privileges which they had lost, and the erection of some permanent barriers, against all future encroach-

[1] The critical reader is referred to an able answer to these "Remarks," by Mr Amyot, in the twenty-third vol. of the Archæologia, p. 277; to some additional observations by the same gentleman, Archæologia, vol. xxv. p. 394; to a critical "Note," by Sir James Macintosh, added to the first volume of his "History of England;" to a "Dissertation on the Manner and Period of the Death of Richard the Second," by Lord Dover; to observations on the same historical problem, by Mr Riddell, in a volume of Legal and Antiquarian Tracts, published at Edinburgh in 1835; and to some remarks on the same point by Sir Harris Nicolas in the Preface to the first volume of his valuable work, the "Proceedings and Ordinances of the Privy Council of England," Preface, pp. 29 to 32.

ments of the crown, would be the great objects to which, under the minority of his successor, they would direct their attention.

It happened also, unfortunately for Scotland, that such a scheme for the resumption of power by the feudal nobility—in other words, for the return of anarchy and disorder throughout the country—was but too likely to prove successful. The improvements introduced by James the First—the judicial machinery for the more perfect administration of justice; the laws for the protection of the lower orders against the insolence of the great; the provisions for the admission of the representatives of the commercial classes into parliament, and for the abridgment of the military strength of the great feudal lords—were rather in the state of prospective changes than of measures whose salutary effects had been tried by time, and to which the nation had become attached by long usage. These improvements had been all carried into effect within the short space of fourteen years; they still bore upon them the hateful gloss of novelty and innovation, and, no longer supported by the firmness of the monarch with whom they originated, they could present but a feeble resistance to the attacks of the numerous and powerful classes whose privileges they abridged, and with whose ambition their continuance was incompatible. The prospect of recovering, during a long minority, the estates and the feudal perquisites which had been resumed or cut down by James the First; the near view of successful venality which constantly accompanied the possession of the great offices under an infant sovereign; and the facility in the execution of such schemes which every feudal government offered to any faction who were powerful or fortunate enough to possess themselves of the person of the king, rendered the period upon which we now enter one of great excitement amongst the Scottish nobles. The greater chiefs amongst them adopted every means to increase their personal strength and importance, recruiting the ranks of their armed vassals and followers, and placing persons of tried fidelity in their castles and strongholds; the lesser barons attached themselves to the more powerful by those leagues or bands which bound them by the strictest ties to work the will of their lord; and both classes set themselves attentively to watch the course of events, and to take immediate advantage of those sudden changes and emergencies which were so likely to arise in a country thrown into the utmost dismay and confusion by the murder of the sovereign.

But although such appear to have been the low and interested feelings of the greater proportion of the nobility, we are not to suppose that the support of the crown and the cause of order and good government were utterly abandoned. They still retained many friends in the dignified clergy, as well as among those learned and able Churchmen from whose ranks the legal officers of the crown, and the diplomatic agents who transacted all foreign missions and alliances, were generally selected; and they could undoubtedly reckon upon the attachment of the mercantile and commercial classes, now gradually rising into importance, and upon the affectionate support of the great body of the lower orders, in so far as they were left untrammelled by the fetters of their feudal servitude.

Whilst such were the sentiments which animated the various bodies in the state upon the murder of the king, it may easily be supposed that terror was the first feeling which arose in the bosom of the queen-mother. Utterly uncertain as to the ramifications of the conspiracy, and trembling lest the same vengeance which had fallen upon the father should pursue the son, she instantly fled with the young prince to Edinburgh, nor did she esteem herself secure till she had retreated with her charge within the castle. The command of this fortress, rendered now a place of far higher importance than usual by its affording a retreat to the queen and the prince,

was at this time in the hands of William Crichton, baron of Crichton, and master of the household to the late king, a person of great craft and ambition, and who, although still in the ranks of the lower nobility, was destined to act a principal part in the future history of the times.[1]

After the first panic had subsided, a parliament assembled at Edinburgh within less than a month after the murder of the king, and measures appear to have been adopted for the government of the country during the minority. The first care, however, was the coronation of the young prince, and for this purpose the principal nobles and barons of the kingdom, with the dignified clergy and a great multitude of the free tenants of the crown, conducted him in procession from the castle of Edinburgh to the abbey of Holyrood, where he was crowned and anointed amid demonstrations of universal loyalty.[2]

Under any other circumstances than those in which James succeeded, the long-established custom of conducting the ceremony of the coronation at the Abbey of Scone would not have been departed from, but its proximity to the scene of the murder rendered it dangerous and suspected; and as delay was equally hazardous, the queen was obliged to purchase security and speed at the expense of somewhat of that solemnity which would otherwise have accompanied the pageant. Two important measures followed the coronation. The first, the nomination of the queen-mother to undertake the custody of the king till he had attained his majority, and to become at the same time the guardian of the princesses, his sisters, with an annual allowance of four thousand marks;[3] the second, the appointment of Archibald, fifth earl of Douglas and duke of Touraine, to be lieutenant-general of the kingdom.[4] This baron, undoubtedly the most powerful subject in Scotland, and whose revenue from his estates at home and in France was probably nearly equal to that of his sovereign, was the son of Archibald, fourth earl of Douglas, who was slain at the battle of Verneuil, and of Margaret, daughter to King Robert the Third, so that he was nephew of the late king. His power, however, proved to be of short duration, for he lived little more than a year after his nomination to this high office.

It is unfortunate that no perfect record has been preserved of the proceedings of the first parliament of James the Second. From a mutilated fragment which remains, it is certain that it was composed, as usual, of the clergy, barons, and commissaries of the burghs, and that all alienations of lands, as well as of movable property, which happened to be in the possession of the late king at his death, and which had been made without consent of the three estates, were revoked, whilst an inventory of the goods and treasure in the royal coffers was directed to be taken, and an injunction given that no alienation of the king's lands or property should be made to

[1] Registrum Magni Sigilli, B. III. No. 161. His first appearance is in Rymer, vol. x. p. 309, amongst the nobility who met James the First at Durham, on his return from his long detention in England. See also Crawford's Officers of State, p. 25, for his title of Magister Hospitii, as proved by a charter then in the possession of Sir Peter Fraser of Dores, Bart. See also MS. Chamberlain Rolls, July 4, 1438. "Et pro quinque barellis de Hamburgh salmonum salsorum, liberatis per computantem et liberatis Domino Willielmo de Crechtoun, custodi Castri de Edinburgh, fatenti receptum super computum, ad expensas domini nostri regis moderni, de quibus dictus dominus respondebit ix. lib." Again, MS. Chamberlain Rolls, July 5, 1438. "Per libercionem factam Domino Willielmo de Crechtoun, Vice-comiti et custodi Castri de Edinburgh, ut patet per literam suam sub signeto ostensam super computum iiii^{xx} librarum de quibus asserit quinquaginta libras receptas ad expensas coronacionis domini nostri regis moderni."

[2] "Cum maximo applausu et apparatu ad laudem Dei et leticiam tocius populi."—Acts of the Parliament of Scotland, vol. ii. p. 31.

[3] Acts of the Parliament of Scotland, vol. ii. p. 54.

[4] Sir Thomas Boyd of Kilmarnock, in his account in Exchequer of the rent of Duchale in Ward, takes credit for the following payment:—"Et per solucionem factam Domino Comiti de Douglas, locum tenenti domini regis, in partem feodi sui de anno, 1438, dicto domino locum tenenti fatenti receptum super computum sexaginta librarum."—MS. Chamberlain Rolls, sub anno 1438.

any person whatever without the consent of the three estates, until he had reached his full age of twenty-one years.[1] We may conjecture on strong grounds that the subjects to which the general council next turned their attention were the establishment of a peace with England, and the renewal of amicable relations with the court of France and the commercial states of Holland.

With regard to peace with England, various circumstances concurred in the condition of that country to facilitate the negotiation. Under the minority of Henry the Sixth, the war with France, and the struggle to maintain unimpaired the conquests of Henry the Fifth, required a concentration of the national strength and resources which must have been greatly weakened by any invasion upon the part of Scotland; and the Cardinal of Winchester, who was at this time possessed of the principal power in the government, was uncle to the Queen of Scotland. Commissioners were accordingly despatched by the Scottish parliament,[2] who, after a meeting with the English envoys, found little difficulty in concluding a nine years' truce between the two kingdoms, which was appointed to commence on the 1st of May 1438, and to terminate on the 1st of May 1447.[3] Its provisions contain some interesting enactments regarding the commercial intercourse between the two countries, deformed indeed by those unwise restrictions which were universal at this time throughout Europe, yet evincing an ardent anxiety for the prosperity of the country. In addition to the common stipulations against seizing vessels driven into port, and preventing shipwrecked mariners from returning home, it was agreed that if any vessel belonging to either country were carried by an enemy into a port of the other kingdom, no sale of the vessel or cargo should be permitted without the consent of the original owners; that no vessel driven into any port should be liable to arrest for any debt of the king or of any other person, but that all creditors should have safe-conducts in order to sue for and recover their debts with lawful damages and interest; that in cases of shipwreck the property should be preserved and delivered to the owners; that when goods were landed for the purpose of repairing the ship they might be reshipped in the same, or in any other vessel without payment of duties; and that vessels of either kingdom putting into ports of the other in distress for provisions might sell goods for that purpose without being chargeable with customs for the rest of the cargo. It was finally provided that no wool or woolfels should be carried from one kingdom to the other, either by land or by water; and that in all cases of depredation not only the chief offenders, but also the receivers and encouragers, and even the communities of the towns in which the plundered goods were received, should be liable for compensation to the sufferers, who might sue for redress before the conservators of the truce or the wardens of the marches. The principal of these conservators for England were the king's uncle, the Duke of Gloucester, and his kinsman, the Duke of Norfolk, with the Earls of Salisbury, Northumberland, and Westmoreland; and for Scotland, Archibald, earl of Douglas and duke of Touraine, with the Earls of Angus, Crawford, and Avendale, and the Lords Gordon, Maxwell, Montgomery, and Crichton.[4] Care was taken to send an intimation of the truce to the Scottish merchants who were resident in Holland and in Zealand; and with regard to France, although there can be little doubt from the ancient alliance with Scotland, and the marriage of the sister of the king to the Dauphin,

[1] Acts of the Parliament of Scotland, vol. ii. p. 31.

[2] Rymer, Fœdera, vol. x. pp. 679, 680, 684.

[3] Chamberlain MS. Rolls computum Johannis de Fyfe Receptoris firmarum de Schines, &c. "Et allocatur pro expensis Dominorum de Gordoun, et de Montegomeri ac aliorum ambassatorum regni factis in Anglia pro treugis inter regna ineundis. iiii^{xx} iij^{lib} vj^{s} viij^{d}."

[4] Rymer, Fœdera, vol. x. p. 695. Rotuli Scotiæ, vol. ii. pp. 306, 310. M'Pherson's Annals of Commerce, vol. i. p. 654.

that the feelings of the country were strongly attached to the cause of Charles the Seventh, and that the total expulsion of the English would have been an event joyfully welcomed in Scotland; yet the reverses experienced in the battles of Crevant and Verneuil effectually cooled the ardour of that kingdom for foreign war, and appear to have compelled the nation to a temporary and unwilling neutrality.

We have seen that Antony, bishop of Urbino, the Papal legate, was in Scotland at the time of the murder of the late king, and that a general council of the clergy, which had been called at Perth for the purpose of receiving his credentials, was abruptly broken off by this event. The destruction of all contemporary records has unfortunately left the proceedings of this council in complete obscurity; and we only know that, towards the conclusion of the year 1438, Sir Andrew Meldrum, a knight of St John of Jerusalem, was despatched through England into Scotland, on a mission connected with the "good of religion," and that a Papal nuncio, Alfonso de Crucifubreis, proceeded about the same time to the Scottish court.[1] It is not improbable that the Church, which, at the present moment, felt deep alarm from the disorders of the Hussites in Bohemia, and the growth of heresy in England, was anxious to engage on its side the council and ministers of the infant monarch of Scotland, and to interest them in putting down those heterodox opinions which, it is certain, during the last reign, had made a considerable progress in that country.

An extraordinary event now claims our attention, which is involved in much obscurity, but drew after it important results. The queen-mother soon found that the castle of Edinburgh, an asylum which she had so willingly sought for her son the king, was rendered, by the vigilance and jealousy of Crichton the governor, much too difficult of access to herself and her friends. It was, in truth, no longer the queen, but this ambitious baron, who was the keeper of the royal person. Under the pretence of superintending the expenses of the household, he seized[2] and dilapidated the royal revenues, surrounded the young sovereign by his own creatures, and permitted neither the queen-mother, the lieutenant-general of the kingdom, nor Sir Alexander Livingston of Callander, a baron who had been in high favour with the late king, to have any share in the government. Finding it impossible, by any remonstrances, to obtain her wishes, the queen had recourse to stratagem. At the conclusion of a visit of a few days, which she had been permitted to pay to her son, it was dexterously managed that the prince should be concealed in a large wardrobe chest, which was carried along with some luggage out of the castle. In this he was conveyed to Leith, and from thence transported by water to Stirling castle, the jointure-house of his mother, which was at this time under the command of Livingston of Callander. Whether the Earl of Douglas, the Bishop of Glasgow, who was chancellor, or any of the other officers of state, were privy to this successful enterprise, there are unfortunately no documents to determine; but it seems difficult to believe that the queen should have undertaken it and carried it through without some powerful assistants; and it is still more extraordinary that no proceedings appear to have been adopted against Crichton for his unjustifiable seclusion of the youthful monarch from his mother,—an act which, as it appears in the history of the times, must have almost amounted to treason.

The records of a parliament which was held at Edinburgh on the 27th of November 1438, by the Earl of Douglas, therein styled the lieutenant-general of the realm; and of a second meeting of the three estates, which assembled at Stirling on the 13th of March, in the same year, are so brief

[1] Rotuli Scotiæ, vol. ii. p. 311.

[2] Chamberlain MS. Rolls, computum Thomæ Cranstoun. Receptoris redituum regis ex parte australi aquæ de Forth. July 18, 1438.

and mutilated, that little light can be elicited either as to the different factions which unquestionably tore and divided the state, or regarding the provisions which were adopted by the wisdom of parliament for the healing of such disorders.

There is indeed a general provision for the remedy of the open plunder and robbery then prevalent in the country. The sheriff, within whose county the thieves had taken refuge, was commanded to see strict restoration made, and to denounce as rebels to the king's lieutenant all who refused to obey him, under the penalty of being himself removed from his office, and punished as the principal offender. But where there is strong reason to suspect that the lieutenant and the greater barons were themselves the robbers, and that the sheriffs were their immediate dependants, it may easily be believed that, unless in instances where they were desirous of cutting off some unfortunate spoiler who had incurred their resentment, the act was most imperfectly executed, if not universally evaded.[1]

Having liberated her son the king from the durance in which he had been kept by Crichton, the queen-mother appears for some time to have reposed unlimited confidence in the fidelity of Sir Alexander Livingston; whilst the Earl of Douglas, the most powerful man in the state, refused to connect himself with any faction; and, although nominally the lieutenant-general of the kingdom, took little interest in the scene of trouble and intrigue with which the youthful monarch was surrounded. It does not even appear that he presided in a parliament which was assembled at Stirling, probably a short time after the successful issue of the enterprise of the queen. In this meeting of the three estates the dreadful condition of the kingdom and the treasonable conduct of Sir William Crichton were, as far as we can judge from the mutilated records which have been preserved, the principal subjects for consideration. It was resolved that there should be two sessions held yearly within the realm, in which the lord-lieutenant and the king's council should sit—the first to begin on the day after the exaltation of Holy Cross; and the second on the first Monday in Lent thereafter following. At the same time, an enactment was passed, with an evident reference to Crichton, by which it was ordained that where any rebels had taken refuge within their castles or fortalices, and held the same against lawful authority, or wherever there was any "violent presumption of rebellion and destruction of the country," it became the duty of the lieutenant to raise the lieges, to besiege such places, and arrest the offenders, of whatever rank they might be.[2]

The Earl of Douglas, however, either too indolent to engage in an employment which would have required the utmost resolution, or too proud to embroil himself with what he considered the private feuds between Crichton and Livingston, refused to carry the act into execution; and Livingston, having raised his vassals, laid siege in person to the castle of Edinburgh. The events immediately succeeding are involved in much obscurity; so that, in the absence of original authorities, and the errors and contradictions of historians, it is difficult to discover their true causes, or to give any intelligible account of the sudden revolutions which took place. Amid these difficulties, I adopt the narrative which approaches nearest to those fragments of authentic evidence that have survived the common wreck.

When he perceived that he was beleaguered by the forces of Livingston, Crichton, who did not consider himself strong enough to contend singly against the united strength of the queen and this baron, secretly proposed a coalition to the Earl of Douglas, but his advances were received by that powerful chief with infinite scorn. The pride of the haughty potentate could ill brook any suggestion of a division of authority with one whom

[1] Acts of the Parliament of Scotland, vol. ii. p. 32.

[2] Acts of the Parliament of Scotland, vol. ii. p. 32.

he considered so far beneath him; and it is said that in a fit of bitter irony he declared how much satisfaction it would give him if his refusal should cause two such unprincipled disturbers of the public peace mutually to destroy each other. These rivals, however, although either of them would willingly have risen upon the ruin of the other, were too crafty to fulfil the wishes of the Earl of Douglas; and his proud answer, which was soon carried to their ears, seems to have produced in their minds a disposition towards a settlement of their differences. It was evident that singly they could have little hope of resisting the lieutenant-general of the kingdom: but Livingston possessed the confidence of the queen-mother, and the custody of the king, her son; and with this weight thrown into the scale, it was not unlikely that a coalition might enable them to make head against his authority. The result of such mutual feelings was a truce between the rival lords, which ended in a complete reconciliation, and in the delivery of the castle of Edinburgh into the hands of Sir William Livingston. The young king, whom he had carried along with him to Edinburgh, was presented by Crichton with the keys of the fortress, and supped there on the night when the agreement was concluded; on the morrow, the new friends divided between them the power which had thus fallen into their hands. Cameron, bishop of Glasgow, who was a partisan of the house of Douglas, and filled the place of chancellor, was deprived of a situation, in which there is reason to believe he had behaved with much rapacity. The vacant office was bestowed upon Crichton, whilst to Livingston was committed the guardianship of the king's person, and the chief management in the government.[1] With regard to Douglas, it is not easy to ascertain what measures were resolved upon; and it is probable that this great noble, confident in his own power, and in the high trust committed to him by the parliament, would have immediately proceeded against the confederate lords, as traitors to the state. But at this important crisis he was suddenly attacked by a malignant fever, and died at Restalrig on the 26th of June 1439,[2] leaving an immense and dangerous inheritance of power and pride to his son, a youth of only seventeen years of age.

The coalition might, therefore, for the present, be regarded as completely triumphant; and Livingston and Crichton, possessed of the king's person, and enjoying that unlimited command over the queen-mother against which an unprotected woman could offer no resistance, were at liberty to reward their friends, to requite their enemies, and to administer the affairs of the government with a power which, for a while, seemed little short of absolute. The consequences of this state of things were such as might have been anticipated. The administration of the government became venal and disorderly. Owing to the infancy of the king, and the neglect of appointing a lieutenant-general, or governor of the realm, in the place of the Duke of Touraine, the nation knew not where to look for that firm controlling authority which should punish the guilty, and protect the honest and industrious. Those tyrannical barons, with which Scotland at this period abounded in common with the other countries of Europe, began to stir and be busy in the anticipation of a rich harvest of plunder, and to entertain and increase their troops of retainers; whose numbers and strength, as they calculated, would induce Livingston, Crichton, and the lords of their party, to attach them at any price to their service.

Meanwhile, in the midst of this general confusion, the right of private

[1] May 3, 1439, Cameron is Chancellor. Mag. Sig. iii. 123. June 10, 1439, Crichton is Chancellor. Ibid. ii. 141.

[2] Gray's MS. Advocates' Library, rr. i. 17. "Obitus Domini Archibaldi Ducis Turonensis Comitis de Douglas ac Domini Galwidiæ, apud Restalrig, 26 die mensis Junii, anno 1439, qui jacet apud Douglas." See, for a beautiful engraving of his monument, Blore's Monumental Remains, Part I. No. IV., a work which, it is to be regretted, did not meet with the encouragement it justly merited.

war, and the prevalence of deadly feud, those two curses of the feudal system, flourished in increased strength and virulence. Sir Alan Stewart of Darnley, who had held the high office of Constable of the Scottish army in France,[1] was treacherously slain at Polmais Thorn, between Falkirk and Linlithgow, by Sir Thomas Boyd of Kilmarnock, for "auld feud which was betwixt them," in revenge of which, Sir Alexander Stewart collected his vassals, and, in "plain battle," to use the expressive words of an old historian, "manfully set upon Sir Thomas Boyd, who was cruelly slain, with many brave men on both sides." The ground where the conflict took place was at Craignaucht Hill, a romantic spot, near Neilston, in Renfrewshire; and with such determined bravery was it contested, that it is said the parties by mutual consent retired sundry times to rest and recover breath, after which they recommenced the combat to the sound of the trumpet, till the victory at last declared for the Stewarts. These slaughters and contests amongst the higher ranks produced their usual abundant increase of robbery, plunder, burning, and murder, amongst the large body of the friends and vassals who were in the remotest degree connected with the parties; so that, whilst Livingston and Crichton possessed the supreme power, and, with a few of their favourites, flourished upon the outlawries and forfeitures, and kept a firm hold over the person of the youthful monarch, whom they immured along with his mother, the queen, in Stirling castle, the state of the country became so deplorable as to call aloud for redress.

It was at this dark period that the queen-mother, who was in the prime of life, and still a beautiful woman, finding that she was little else than a prisoner in the hands of Livingston, determined to procure protection for herself by marriage. Whether it was an alliance of love or of ambition, is not apparent; but it is certain that Margaret, unknown to the faction by whom she was so strictly guarded, espoused Sir James Stewart, third son of John Stewart, lord of Lorn,[2] and commonly known by the name of the Black Knight of Lorn. This powerful baron was in strict alliance with the house of Douglas.[3] As husband of the queen-mother, to whom, in the first instance, the parliament had committed the custody of the king's person, he might plausibly insist upon a principal share in the education of the youthful prince, as well as in the administration of the government; and a coalition between the party of the queen-mother and the Earl of Douglas might, if managed with prudence and address, have put a speedy termination to the unprincipled tyranny of Livingston.

But this able and crafty baron, who ruled all things around the court at his pleasure, had earlier information of these intrigues than the queen and her husband imagined; and whilst they, confiding in his pretended approval of their marriage, imprudently remained within his power, Sir James was suddenly arrested, with his brother, Sir William Stewart, and cast into a dungeon in Stirling castle, with every circumstance of cruelty and ignominy. An ancient manuscript affirms that Livingston put "thaim in pittis and bollit thaim:"[4] an expression of which the meaning is obscure; but to whatever atrocity these words allude, it was soon shewn that the ambition and audacity of the governor of Stirling was not to be contented with the imprisonment of the Black Knight of Lorn. Almost immediately after this act of violence, the apartments of the queen herself, who then resided in the castle, were invaded by Livingston; and although the servants of her court, headed by Napier,[5] one of her household, made a violent resistance, in which this gentleman was

[1] Andrew Stewart's Hist. of the Stewarts, pp. 165, 166.

[2] Duncan Stewart's Hist. and Geneal. Account of the Royal Family of Scotland, p. 171.

[3] Lesley's History, p. 14. Bannatyne edit.

[4] Auchinleck Chronicle, privately printed by Mr Thomson, Deputy-Clerk Register of Scotland, p. 34, almost the solitary authentic record of this obscure reign.

[5] Royal Charter by James II., March 7, 1449-50, to Alexander Napier, of the lands of Philde, Mag. Sig. iv. 4.

wounded, his royal mistress was torn from her chamber, and committed to an apartment, where she was placed under a guard, and cut off from all communication with her husband or his party.

It is impossible to believe that Livingston would have dared to adopt these treasonable measures, which afterwards cost him his head, unless he had been supported by a powerful faction, and by an armed force, which, for the time, was sufficient to overcome all resistance. The extraordinary scene which followed can only be explained upon this supposition. A general convention of the nobility was held at Stirling, after the imprisonment of the queen. It was attended by the Bishops of Glasgow, Moray, Ross, and Dunblane, upon the part of the clergy; and for the nobility, by the Earl of Douglas, Alexander Seton, lord of Gordon, Sir William Crichton, chancellor, and Walter, lord of Dirleton; and at the same time, that there might at least be an appearance of the presence of a third estate, James of Parcle, commissary of Linlithgow, William Cranston, burgess and commissary of Edinburgh, and Andrew Reid, burgess and commissary of Inverness, were present as representatives of the burghs, and sanctioned, by their seals, the transaction which took place. In this convention, the queen-mother, with advice and consent of this faction, which usurped to themselves the name of the three estates, resigned into the keeping of Sir Alexander Livingston of Callander the person of the king, her dearest son, until he had reached his majority; she at the same time surrendered in loan to the same baron her castle of Stirling, as the residence of the youthful monarch; and for the due maintenance of his household and dignity, conveyed to him her annual allowance of four thousand marks, granted by the parliament upon the death of the king her husband. The same deed which recorded this strange and unexpected revolution declared that the queen had remitted to Sir Alexander Livingston and his accomplices all rancour of mind which she had erroneously conceived against them for the imprisonment of her person, being convinced that their conduct had been actuated by none other motives than those of truth, loyalty, and a zealous anxiety for the safety of their sovereign. It provided also that the lords and barons who were to compose the retinue of the queen should be approved of by Livingston; and that this princess might have access to her son at all times, with the cautious proviso, that such interview should take place in the presence of unsuspected persons: in the event of the king's death, the castle was to be redelivered to the queen; and it was lastly stipulated that the Lord of Livingston and his friends were not to be annoyed or brought "nearer the death" for any part which they might have acted in these important transactions.[1]

It would be ridiculous to imagine that this pardon and sudden confidence, bestowed with so much apparent cordiality, could be anything else than hollow and compulsory. That the queen should have received into her intimate councils the traitors who, not a month before, had violently seized and imprisoned her husband, invaded her royal chamber, staining it with blood, and reducing her to a state of captivity, is too absurd to be accounted for even by the mutability of female caprice. The whole transaction exhibits an extraordinary picture of the country,—of the despotic power which, in a few weeks, might be lodged in the hands of a successful and unprincipled faction,—of the pitiable weakness of the party of the queen, and the corruption and venality of the great officers of the crown. It must have been evident to the queen-mother that Livingston and Crichton divided between them the supreme power; and, in terror for the life of her husband, and dreading her own perpetual imprisonment, she seems to have consented to purchase security and freedom at the price of the liberty and independence of the king, her son,

[1] Acts of the Parliament of Scotland, vol. ii. p. 54. The act is dated September 4, 1439.

then a boy in his ninth year. He was accordingly delivered up to Livingston, who kept him in a state of honourable captivity at Stirling.

This state of things could not be of long continuance. The coalition was from the first purely selfish; it depended for its continuance upon the strict division of authority between two ambitious rivals; and soon after, the chancellor, jealous of the superior power of Livingston, determined to make him sensible on how precarious a basis it was founded. Seizing the opportunity of the governor's absence at Perth, he rode with a strong body of his vassals, under cover of night, to the royal park of Stirling, in which the king was accustomed to take the pastime of the chase. Crichton, favoured by the darkness, concealed his followers in the wood; and, at sunrise, had the satisfaction to see the royal cavalcade approach the spot where he lay in ambush. In an instant the youthful monarch was surrounded by a multitude which rendered resistance hopeless; and the chancellor, kneeling, and with an action rather of affectionate submission than of command, taking hold of his bridle rein, besought him to leave that fortress, where he was more a prisoner than a king, and to permit himself to be rescued by his faithful subjects, and restored to his free rights as a sovereign. Saying this, Crichton conducted his willing victim, amid the applauses and loyal protestations of his vassals, to Linlithgow, where he was met by an armed escort, who conducted him to the castle of Edinburgh.[1]

To the king himself this transaction brought merely a change of masters; but to Livingston it was full not only of mortification, but danger. Although he would have been glad to have availed himself of the power, he distrusted the youth and versatility of the Earl of Douglas. To the queen-mother he had given cause of mortal offence, and there was no other individual in the country whose authority, if united to his own, was weighty enough to counteract the exorbitant power of the chancellor. He had recourse, therefore, to dissimulation; and coming to Edinburgh, accompanied by a small train, he despatched a flattering message to Crichton, deplored the misunderstanding which had taken place, and expressed his willingness to submit all differences to the judgment of their mutual friends, and to have the question regarding the custody of the royal person determined in the same manner. It happened that there were then present in Edinburgh two prelates, whose character for probity and wisdom peculiarly fitted them for the task of reconciling the rival lords. These were Leighton, bishop of Aberdeen, and Winchester, bishop of Moray, by whose mediation Crichton and Livingston, unarmed, and slenderly attended, repaired to the church of St Giles, where a reconciliation took place; the charge of the youthful monarch being once more intrusted to Livingston,[2] whilst the chancellor was rewarded by an increase of his individual authority in the management of the state, and the advancement of his personal friends to offices of trust and emolument.[3]

In the midst of these selfish and petty contests for power, the people were afflicted by almost every scourge which could be let loose upon a devoted country: by intestine feuds, by a severe famine, and by a widespread and deadly pestilence. The fierce inhabitants of the Western Isles, under the command of Lauchlan Maclean and Murdoch Gibson, two leaders notorious for their spoliations and murders, broke in upon the continent; and, not content with the devastation of the coast, pushed forward into the heart of the Lennox, where they slew Colquhoun of Luss in open battle, and reduced the whole district to the state of a blackened and depopulated desert.[4] Soon after this, the famine became so grievous, that multitudes of the poorer classes died of absolute want. It is stated in an

[1] January 1439. Lesley's Hist. p. 15.

[2] Crawford's Officers of State, p. 28. Pinkerton, vol. i. p. 191.

[3] Buchanan and Bishop Lesley erroneously suppose that the custody of the king's person remained with the chancellor Crichton.

[4] Auchinleck Chronicle, p. 34.

ancient contemporary chronicle that the boll of wheat was then generally sold at forty shillings, and the boll of oatmeal at thirty. We know from the authority of Stow that the scarcity was also severely felt in England, where wheat rose from its ordinary price of five shillings and fourpence the quarter to one pound; and soon after, in the course of the year 1440, to one pound four shillings. The consequences of unwholesome food were soon seen in a dreadful sickness of the nature of dysentery, which broke out amongst the people, and carried away great numbers; so that, when the pestilence soon after arrived in Scotland, and its ravages were added to the already widely spread calamity, the unhappy country seemed rapidly advancing to a state of depopulation. This awful scourge, which first shewed itself at Dumfries, was emphatically denominated "the pestilence without mercy," for none were seized with it who did not certainly die within twenty-four hours after the attack.[1]

To these prolific causes of national misery there was added another in the overgrown power of the house of Douglas, and the evils which were encouraged by the lawless demeanour of its youthful chief. Upon the death of Archibald, duke of Touraine and fifth earl of Douglas, we have seen that the immense estates of this family devolved upon his son William, a youth who was then only in his seventeenth year; a period of life liable, even under the most common circumstances, to be corrupted by power and adulation. To Douglas, however, the accession brought a complication of trials, which it would have required the maturity of age and wisdom to have resisted. As Duke of Touraine, he was a peer of France, and possessed one of the richest principalities in that kingdom. In his own country he inherited estates, or rather provinces, in Galloway, Annandale, Wigtown, and other counties, which were covered by war-like vassals, and protected by numerous castles and fortalices; and in ancestry he could look to a long line of brave progenitors, springing, on the father's side, from the heroic stock of the Good Sir James, and connected, in the maternal line, with the royal family of Scotland. The effects of all this upon the character of the youthful earl were not long of making their appearance. He treated every person about him with an unbounded arrogance of demeanour; he affected a magnificence which outshone the splendour of the sovereign; when summoned by the governor in the name of the king, he disdained to attend the council-general, where he was bound to give suit and service as a vassal of the throne; and in the reception he gave to the messages which were addressed to him carried himself more as a supreme and independent prince than a subject who received the commands of his master. Soon after the death of his father he despatched Malcolm Fleming of Biggar, along with Alan Lauder of the Bass, as his ambassadors to carry his oath of allegiance to the French monarch, and receive his investiture in the dukedom of Touraine. The envoys appear to have been warmly welcomed by Charles the Seventh; and, flattered by the reception which was given them, as well as by his immediate accession to his foreign principality, Douglas increased his train of followers, enlisted into his service multitudes of idle, fierce, and unprincipled adventurers, who wore his arms, professing themselves his vassals only to obtain a licence for their tyranny, whilst within his own vast territories he openly insulted the authority of the government, and trampled upon the restraints of the laws.

A parliament in the meantime was assembled (2d August 1440) at Stirling, for the purpose of taking into consideration the disordered state of the country, and some of those remedies were again proposed which had already been attended with such frequent failure, not so much from any defect in principle, as from the imper-

[1] Auchinleck Chronicle, p. 34. "Thar tuke it nain that ever recoverit, bot that deit within twenty-four houris." Fleetwood, Chron. Preciosum, p. 83.

fect manner in which they were carried into execution. It was declared that the Holy Church should be maintained in freedom, and the persons and property of ecclesiastics universally protected; according to ancient usage, the justiciars on the southern and northern sides of the Firth of Forth were commanded to hold their courts twice in the year, whilst the same duty was to be faithfully performed by the lords of regalities, within their jurisdiction, and by the judges and officers of the sovereign upon the royal lands. On the occurrence of any rebellion, slaughter, or robbery, it was ordained that the king should instantly ride in person to the spot, and, summoning before him the sheriff of the county, see immediate justice done upon the offenders; for the more speedy execution of which, the barons were directed to assist with their persons, vassals, and property.[1] It was, in all probability, at this parliament that those grievous complaints were presented concerning the abuses which then prevailed throughout the country, which Lindsay of Pitscottie, the amusing historian of these times, has described as originating in the overgrown power of the house of Douglas. "Many and innumerable complaints were given in, whereof the like were never seen before. There were so many widows, bairns, and infants, seeking redress for their husbands, kindred, and friends, that were cruelly slain by wicked bloody murderers, sicklike many for herschip, theft and reif, that there was no man but he would have ruth and pity to hear the same. Shortly, murder, theft, and slaughter were come in such dalliance among the people, and the king's acts had fallen into such contempt, that no man wist where to seek refuge, unless he had sworn himself a servant to some common murderer or bloody tyrant, to maintain him contrary to the invasion of others, or else had given largely of his gear to save his life, and afford him peace and rest."[2]

[1] Acts of the Parliament of Scotland, vol. ii. pp. 32, 33.

[2] Pitscottie's History of Scotland, p 24.

There can be little doubt that this dreadful state of things was to be ascribed as much to the misgovernment of Livingston, and the lawless dominion of Crichton, as to the evil example which was afforded by the Earl of Douglas. On the one hand, that proud potentate, whilst he kept at a distance from court, and haughtily declined all interference with government, excused himself by alleging that the custody of the sovereign and the management of the state were in the hands of two ambitious and unprincipled tyrants who had treasonably possessed themselves of the king's person, and sanctioned by their example the outrages of which they complained. On the other, Livingston and the chancellor, with equal asperity, and more of the appearance of justice—for, however unwarrantably, they represented the supreme authority—complained that Douglas refused obedience to the summons of his sovereign; that he affected a state and magnificence unbecoming and dangerous in a subject; and traversed the country with an army of followers, whose excesses created the utmost misery and distress in whatever district he chose to fix his residence. Both complaints were true; and Livingston and Crichton soon became convinced that, to secure their own authority, they must crush the power of Douglas. For this purpose, they determined to set spies upon his conduct, and either to discover or create some occasion to work his ruin; whilst, unfortunately for himself, the prominent points of his character gave them every chance of success. He was still a youth, ambitious, violent, and courageous even to rashness; his rivals united to a coolness and wariness, which had been acquired in a long course of successful intrigues, an energy of purpose and a cruelty of heart which left no hope for a fallen enemy. In a contest between such unequal enemies, the triumph of the chancellor and Livingston might have been easily anticipated; but, unfortunately, much obscurity hangs over the history of their proceedings. In this failure of authen-

tic evidence, a conjecture may be hazarded that these crafty statesmen, by means of the paid flatterers with whom they surrounded the young earl, prevailed upon him to express doubts as to the legitimacy of the title of James the Second to the throne, and to advocate the pretensions of the children of Euphemia Ross, the second queen of Robert the Second. Nor, considering Douglas's own descent, was it at all unlikely that he should listen to such suggestions.[1] By his mother, Euphemia Graham, the daughter of Patrick, earl of Strathern, he was descended from Robert the Second; and his second queen, Euphemia, countess of Ross, whose children, notwithstanding an act of the legislature which declared the contrary, were disposed to consider their title to the crown preferable to any other. It is well known, on the other hand, that the Earl of Carrick, the son of Robert the Second, by his first marriage with Elizabeth More, was born to that monarch previous to his marriage with his mother, and that he succeeded to the crown by the title of Robert the Third, in consequence of that legal principle which permits the subsequent marriage of the parties to confer legitimacy upon the issue born out of wedlock. Under these circumstances, it is not difficult to imagine that the Earl of Douglas may have been induced to consider his mother's brother, Malise, earl of Strathern, as possessed of a more indubitable title to the crown than the present sovereign, and that a conspiracy to employ his immense and overgrown power in reinstating him in his rights may have been a project which was broached amongst his adherents, and carried to the ready ears of his enemies.[2] This theory proceeds upon the idea that Douglas was inclined to support the issue of Euphemia Ross, the queen of Robert the Second, in opposition to those of his first wife, who died before his accession to the throne; whilst, on the other hand, if the earl considered the title of James the First as unquestionable, he, as the grandson of James's eldest sister, Margaret, daughter of Robert the Third, might have persuaded himself that, upon the failure of James the Second without issue, he had a specious claim to the crown. When we take into consideration the fact that Douglas and his brother were tried for high treason, and remember that when the young king interceded for them, Crichton reprimanded him for a desire to gratify his pity at the expense of the security of his throne, it is difficult to resist the inference that in one or other of these ways the youthful baron had plotted against the crown.

Having obtained sufficient evidence of the guilt of Douglas to constitute against him and his near adherents a charge of treason, the next object of his enemies was to obtain possession of his person. For this purpose the chancellor Crichton addressed a letter to him, in which he flattered his youthful vanity, and regretted, in his own name and that of the governor Livingston, that any misunderstanding should have arisen which deprived the government of his services. He expressed, in the strongest terms, their anxiety that this should be removed, and concluded by inviting him to court, where he might have personal intercourse with his royal kinsman, where he would be received with the distinction and consideration befitting his high rank, and might contribute his advice and assistance in the management of the public affairs, and the suppression of those abuses which then destroyed the peace of the country. By this artful conduct, Crichton succeeded in disarming the resentment, without awakening the suspicions, of his opponent; and Douglas, in the openness of his disposition, fell into

[1] Douglas's Peerage, vol. i. p. 428. By his father, the Earl of Douglas was a near kinsman of the king, for Douglas's father was cousin-german to James the Second, his mother being a daughter to Robert the Third.

[2] The reader will perhaps remember that the injustice of James the First to this noble youth, in depriving him of the earldom of Strathern, and the determined purpose of vengeance which instantly arose in the bosom of his uncle, Robert Graham, were the causes which led directly to the murder of that monarch.

the snare which had been laid for him. Accompanied by his only brother, David, his intimate friend and counsellor Sir Malcolm Fleming, and a slender train of attendants, he proceeded towards Edinburgh, at that moment the royal residence, and on his road thither was magnificently entertained by the chancellor at his castle of Crichton.[1] From thence he continued his journey to the capital; but before he entered the town it was observed by some of the gentlemen who rode in his train that there appeared to be too many private messages passing between the chancellor and the governor; and some of his counsellors, reminding him of an advice of his father, that in circumstances of danger he and his brother ought never to proceed together, entreated him either to turn back, or at least send forward his brother and remain himself where he then was. Confident, however, in his own opinion, and lulled into security by the magnificent hospitality of Crichton, Douglas rebuked his friends for their suspicions; and, entering the city, rode fearlessly to the castle, where he was met at the gates by Livingston with every expression of devotion, and conducted to the presence of his youthful sovereign, by whom he was treated with marked distinction.

The vengeance destined to fall upon the Douglases does not appear to have been immediate. It was necessary to secure the castle against any sudden attack; to find pretences for separating the earl from his accustomed attendants; and to make preparations for the pageant of a trial. During this interval, he was admitted to an intimate familiarity with the king; and James, who had just completed his tenth year, with the warm and sudden affection of that age, is said to have become fondly attached to him: but all was now ready, and the catastrophe at last was deplorably rapid and sanguinary. Whilst Douglas and his brother sat at dinner with the chancellor and Livingston, after a sumptuous entertainment, the courses were removed, and the two youths found themselves accused, in words of rude and sudden violence, as traitors to the state.[2] Aware, when too late, that they were betrayed, they started from the table, and attempted to escape from the apartment; but the door was beset by armed men, who, on a signal from Livingston, rushed into the chamber, and seized and bound their victims, regardless of their indignation and reproaches. It is said that the youthful monarch clung around Crichton, and pleaded earnestly, and even with tears, for his friends; yet the chancellor not only refused to listen, but sharply commanded him to cease his intercession for traitors who had menaced his throne. A hurried form of trial was now run through, at which the youthful king was compelled to preside in person; and, condemnation having been pronounced, the earl and his brother were instantly carried to execution, and beheaded in the back court of the castle. What were the precise charges brought against them cannot now be discovered. That they involved some expressions which reflected upon the right of the sovereign, and perhaps embraced a design for the restoration of the children of the second marriage of Robert the Second, from which union Douglas was himself descended, has been already stated as the most probable hypothesis in the absence of all authentic evidence.[3] It is certain that three

[1] Auctarium Scotichronici, apud Fordun, vol. ii. p. 514. Same vol. p. 490. Ferrerius, p. 362.

[2] Lesley's Hist. of Scotland, p. 16. I cannot follow the example of this writer in retaining the fable of the bull's head, which is unsupported by contemporary history. Illustrations, H.

[3] All the conspiracies against the royal family of Scotland, from the time of Robert Bruce to the execution of the Douglases, may be accounted for by two great objects: the first which characterises the conspiracy of David de Brechin against Robert the First, and that of the Earl of Douglas on the accession of Robert the Second, was the restoration of the right of the Baliols in preference to that of the Bruces; in other words, the reinstating the descendants of the eldest daughter of David, earl of Huntingdon, brother to King William the Lion, in their rights, in contradistinction to the children of the second daughter, whom they regarded as having in-

days after the execution, Malcolm Fleming of Cumbernauld, their confidential friend and adviser, was brought to trial on a charge of treason, and beheaded on the same ground, which was still wet with the blood of his chief.[1]

It might have been expected that the whole power of the house of Douglas would have been instantly directed against Livingston and the chancellor, to avenge an execution which, although sanctioned by the formality of a trial, was, from its secrecy and cruelty, little better than a state murder. Judging also from the common course adopted by the government after an execution for treason, we naturally look for the confiscation of the estates, and the division of the family property amongst the adherents of the governor and the chancellor; but here we are again met by a circumstance not easily explained. James, earl of Avendale, the grand-uncle of the murdered earl, to whom by law the greater part of his immense estates reverted, entered immediately into possession of them, and assumed the title of Earl of Douglas, without question or difficulty. That he was a man of fierce and determined character had been early shewn in his slaughter of Sir David Fleming of Cumbernauld, the father of the unfortunate baron who now shared the fate of the Douglases;[2] and yet, in an age when revenge was esteemed a sacred obligation, and under circumstances of provocation which might have roused remoter blood, we find him not only singularly supine, but, after a short period, united in the strictest bonds of intimacy with those who had destroyed the head of his house. The conjecture, therefore, of an acute historian, that the trial and execution of the Earl of Douglas was, perhaps, undertaken with the connivance and assistance of the next heir to the earldom, does not seem altogether improbable; whilst it is difficult to admit the easy solution of the problem which is brought forward by other inquirers, who discover that the uncommon obesity of the new successor to this dignity may have extinguished in him all ideas of revenge.

The death of the Earl of Douglas had the effect of abridging, for a short season, the overgrown power of the family. His French property and dukedom of Touraine, being a male fief, returned to the crown of France, whilst his large unentailed estates in the counties of Galloway and Wigtown, along with the domains of Balvenie and Ormond, reverted to his only sister Margaret, the most beautiful woman of her time, and generally known by the appellation of the Fair Maid of Galloway. The subsequent history of this youthful heiress affords another presumption that the alleged crime of Douglas, her brother, was not his overgrown power, but his treasonable designs against the government; for within three years after his death William, earl of Douglas, who had succeeded to his father, James the Gross, was permitted to marry his cousin of Galloway, and thus once more to unite in his person the immense estates of the family. Euphemia also, the duchess of Touraine, and the mother of the murdered earl, soon after the death of her son, acquired a powerful protector, by marrying Sir James Hamilton of Cadyow, afterwards Lord Hamilton.[3]

In the midst of these proceedings, which for a time strengthened the authority of Livingston and the chancellor, the foreign relations of the kingdom were fortunately of the most friendly character. The intercourse with England, during the continuance of the truce, appears to have been

truded into them. But in addition to this, a second object arose out of the first and second marriages of Robert the Second, which furnished another handle to discontent and conspiracy. To illustrate this, however, would exceed the limits of a note. See Illustrations, I.

[1] Auchinleck Chronicle, p. 35. In the charter-chest of the earldom of Wigtown at Cumbernauld is preserved the "Instrument of Falsing the Doom of the late Malcolm Fleming of Biggar." See Illustrations, K.

[2] Supra, p. 34.

[3] Andrew Stewart, Hist. of House of Stewart, p. 464.

maintained without interruption, not only between the subjects of either realm, who resorted from one country to the other for the purposes of commerce, travel, or pleasure, but by various mutual missions and embassies, undertaken apparently with the single design of confirming the good dispositions which subsisted between the two countries. With France the communication was still more cordial and constant; whilst a marriage between the Princess Isabella, the sister of the king, and Francis de Montfort, eldest son to the Duke of Bretagne, increased the friendship between the two kingdoms. An anecdote, preserved by the historian of Brittany, acquaints us with the character of the princess, and the opinions of John, surnamed the Good and Wise, as to the qualifications of a wife. On asking his ambassadors, after their return from Scotland, what opinion they had formed regarding the lady, he received for answer, that she was beautiful, elegantly formed, and in the bloom and vigour of health; but remarkably silent, not so much, as it appeared to them, from discretion, as from extreme simplicity. "Dear friends," said John the Good and Wise, "return speedily and bring her to me. She is the very woman I have been long in search of. By St Nicholas! a wife seems, to my mind, sufficiently acute if she can tell the difference between her husband's shirt and his shirt-ruffle."[1]

The general commercial prosperity of the Netherlands, with which Scotland had for many centuries carried on a flourishing and lucrative trade, had been injured at this time by a war with England, and by intestine commotions amongst themselves; but with Scotland their commercial relations do not appear to have experienced any material interruption; and, although the precise object of his mission is not discoverable, Thomas, bishop of Orkney, in 1441, repaired to Flanders, in all probability for the purpose of confirming the amicable correspondence between the two countries, and congratulating them on the cessation of foreign war and domestic dissension.[2] Whilst such were the favourable dispositions entertained by England, France, and the Netherlands, it appears, from the public records, that the court of Rome was anxious at this time to maintain a close correspondence with Scotland; and there is reason for suspecting that the growth of Lollardism, and the progress of those heretical opinions for which Resby had suffered in 1407, and against which the parliament of James the First directed their censures in 1424, were the causes which led to the frequent missions from the Holy See. In 1438, Andrew Meldrum, a knight of St John of Jerusalem, paid a visit to the Scottish court on a mission connected with the good of religion. In the following year, Alfonso de Crucifubreis, the Papal nuncio, obtained a passport for the purpose of proceeding through England into Scotland; and, in 1439, William Croyser, a native of that country, but apparently resident at Rome, invested also with the character of nuncio of the apostolic see, and in company with two priests of the names of Turnbull and Lithgow, repaired to Scotland, where he appears to have remained, engaged in ecclesiastical negotiations, for a considerable period. It is unfortunate that there are no public muniments which tend to explain or to illustrate the specific object of the mission.[3]

But although threatened with no dangers from abroad, the accumulated evils which in all feudal kingdoms have attended the minority of the sovereign continued to afflict the country at home. On the death of his father, James the Gross, the ability, the pride, and the power of the house of Douglas, revived with appalling strength and vigour in William, the eighth Earl of Douglas, his son and successor, inferior in talents and ambition to none who had borne the name before him. By his mother, Lady

[1] See Lobineam, Histoire de Bretagne, pp. 619, 621, for a beautiful portrait of this princess, taken from an original in the cathedral church of Vannes.

[2] Rotuli Scotiæ, vol. ii. p. 319.

[3] Ibid. p. 302-315. Ibid. pp. 311, 317.

Beatrix Sinclair, he was descended from a sister of King Robert the Third;[1] by his father, from the Lady Christian Bruce, sister of Robert the First.[2] His extensive estates gave him the command of a more powerful army of military vassals than any other baron in the kingdom, whilst the situation of these estates made him almost an absolute monarch upon the Borders, which, upon any disgust or offence offered him by the government, he could open to the invasion of England, or fortify against the arm and authority of the law. He was supported also by many warlike and potent lords in his own family, and by connexion with some of the most ancient and influential houses in Scotland. His mother, a daughter of the house of Sinclair, earl of Orkney, gave him the alliance of this northern baron; his brothers were the Earls of Moray and Ormond; by his married sisters he was in strict friendship with the Hays of Errol, the Flemings, and the Lord of Dalkeith.

The possession of this great influence only stimulated an ambitious man like Douglas to grasp at still higher authority; and two paramount objects presented themselves to his mind, to the prosecution of which he devoted himself with constant solicitude, and which afford a strong light to guide us through a portion of the history of the country, hitherto involved in obscurity. The first of these was to marry the Fair Maid of Galloway, his own cousin, and thus once more unite in his person the whole power of the house of Douglas. The second, by means of this overwhelming influence, to obtain the supreme management of the state as governor of the kingdom, and to act over again the history of the usurpation of Albany and the captivity of James the First. It must not be forgotten, also, that the heiress of Galloway was descended, by the father's side, from the eldest sister of James the First, and, by the mother, from David, earl of Strathern, eldest son of Robert the Second by his second marriage. It is not therefore impossible that, in the event of the death of James the Second, some vague idea of asserting a claim to the crown may have suggested itself to the imagination of this ambitious baron.

Upon Livingston and the chancellor, on the other hand, the plans of Douglas could not fail to have an important influence. The possession of such overgrown estates in the hands of a single subject necessarily rendered his friendship or his enmity a matter of extreme importance to these statesmen, whose union was that of fear and necessity, not of friendship. Both were well aware that upon the loss of their offices there would be a brief interval between their disgrace and their destruction. Crichton knew that he was liable to a charge of treason for the forcible seizure of the king's person at Stirling; Livingston, that his imprisonment of the queen and his usurpation of the government made him equally guilty with the chancellor; and both, that they had to answer for a long catalogue of crimes, confiscations, and illegal imprisonments, which, when the day of reckoning at last arrived, must exclude them from all hope of mercy. To secure, therefore, the exclusive friendship of Douglas, and to employ his resources in the mutual destruction of each other, was the great object which governed their policy. In the meantime, the youthful monarch, who had not yet completed his thirteenth year, beheld his kingdom transformed into a stage on which his nobles contended for the chief power; whilst his subjects were cruelly oppressed, and he himself handed about, a passive puppet, from the failing grasp of one faction into the more iron tutelage of a more successful party in the state. It is scarcely possible to conceive a more miserable picture of a nation, either as it regards the happiness of the king or of the people.

It is not therefore surprising that, soon after this, the state of the country, abandoned by those who possessed the highest offices only to con-

1 Douglas's Peerage, vol. i. p. 429.
2 Ibid. vol. i. p. 220.

vert them into instruments of their individual ambition, called loudly for some immediate interference and redress. Sir Robert Erskine, who claimed the earldom of Mar, and apparently on just grounds, finding himself opposed by the intrigues of the chancellor, took the law into his own hands, and laying siege to the castle of Kildrummie, carried it by storm; upon which the king, or rather his ministers, seized the castle of Alloa, the property of Erskine. This same baron, as sheriff of the Lennox, was Governor of Dumbarton, one of the strongest fortresses in the kingdom; but during his absence in the north, Galbraith of Culcreuch, a partisan of the Earl of Douglas, with the connivance of his master, and the secret encouragement of Crichton, ascended the rock with a few followers, and forcing an entrance by Wallace's tower, slew Robert Sempill, the captain, and overpowering the garrison, made themselves masters of the place.[1] In the north, Sir William Ruthven, sheriff of Perth, attempting, in the execution of his office, to conduct a culprit to the gallows, was attacked by John Gorme Stewart of Athole, at the head of a strong party of armed Highlanders, who had determined to rescue their countryman from the vengeance of the law. Stewart had once before been serviceable to government, in employing the wild freebooters whom he commanded to seize the traitor Graham, who, after the murder of James the First, had concealed himself in the fastnesses of Athole; but, under the capriciousness of a feudal government, the arm which one day assisted the execution of the law might the next be lifted up in defiance of its authority; and Stewart, no doubt, argued that his securing one traitor entitled him, when it suited his own convenience, to let loose another. Ruthven, however, a brave and determined baron, at the head of his vassals, resented this interference; and, after a sanguinary conflict upon the North Inch of Perth, both he and his fierce opponent were left dead upon the field.[2]

In the midst of these outrageous proceedings, the Earl of Douglas, in prosecution of his scheme for his marriage with the heiress of Galloway, entered into a coalition with Livingston, the king's governor. Livingston's grandson, Sir James Hamilton of Cadyow, had married Euphemia, dowager-duchess of Touraine, the mother of Douglas's first wife; and it is by no means improbable that the friends of the Maiden of Galloway, who was to bring with her so noble a dowry, consented to her union with the Earl of Douglas upon a promise of this great noble to unite his influence with the governor, and put down the arrogant domination of the chancellor. The events, at least, which immediately occurred demonstrate some coalition of this sort. Douglas, arriving suddenly at Stirling castle with a modest train, instead of the army of followers by which he was commonly attended, besought and gained admittance into the royal presence, with the humble purpose, as he declared, of excusing himself from any concern in those scenes of violence which had been lately enacted at Perth and Dumbarton. The king, as was reported, not only received his apology with a gracious ear, but was so much prepossessed by his winning address, and his declarations of devoted loyalty, that he made him a member of his privy council, and appears soon after to have conferred upon him the office of lieutenant-general of the kingdom,[3] which had been enjoyed by the first Duke of Touraine. The consequence of this sudden elevation of Douglas was the immediate flight of the chancellor Crichton to the castle of Edinburgh, where he began to strengthen the fortifications, to lay in provisions, and to

[1] Auchinleck Chronicle, p. 35. Wallace's tower was probably the tower in which Wallace was confined after his capture by Menteith.

[2] Auchinleck Chronicle, p. 35.

[3] Ibid. p. 36. Lesley's Hist. p. 17. The appointment of Douglas to be lieutenant-general is not founded on certain historical evidence, but inferred from his subsequent conduct, and from his subsequent deprivation, Postea, p. 152.

recruit his garrison, as if he contemplated a regular siege. To imagine that this elevation of Douglas was accomplished by the king, a boy who had not yet completed his thirteenth year, would be ridiculous. It was evidently the work of the governor, who held an exclusive power over the king's person; and it indicated, for the moment, a coalition of parties, which might well make Crichton tremble.

In the meantime, Livingston, pleading his advanced age, transferred to his eldest son, Sir James, the weighty charge of the sovereign's person, and his government of Stirling castle; whilst Douglas, in the active exercise of his new office of lieutenant-general, which entitled him to summon in the king's name, and obtain delivery of any fortress in the kingdom, assembled a large military force. At the head of these troops, and attended by the members of the royal household and privy council, he proceeded to the castle of Barnton, in Mid-Lothian, the property of the chancellor Crichton, demanded its delivery in the king's behalf, and exhibited the order which entitled him to make the requisition. To this haughty demand, the governor of the fortress, Sir Andrew Crichton, sent at first a peremptory refusal; but, after a short interval, the preparations for a siege, and the display of the king's banner, overcame his resolution, and induced him to capitulate. Encouraged by this success, Douglas levelled the castle with the ground, and summoned the chancellor Crichton, and his adherents, to attend a parliament at Stirling, to answer before his peers upon a charge of high treason. The reply made to this by the proud baron was of a strictly feudal nature, and consisted in a *raid* or predatory expedition, in which the whole military vassals of the house of Crichton broke out with fire and sword upon the lands of the Earl of Douglas, and of his adherent, Sir John Forester of Corstorphine, and inflicted that sudden and summary vengeance which gratified the feelings of their chief, and satisfied their own lust for plunder.[1] Whilst the chancellor thus let loose his vassals upon those who meditated his ruin, his estates were confiscated in the parliament which met at Stirling; his friends and adherents, who disdained or dreaded to appear and plead to the charges brought against them, were outlawed, and declared rebels to the king's authority; and he himself, shut up in the castle of Edinburgh, concentrated his powers of resistance, and pondered over the likeliest method of averting his total destruction.

Douglas, in the meantime, received, through the influence of the Livingstons, the reward to which he had ardently looked forward. A divorce was obtained from his first countess; a dispensation arrived from Rome, permitting the marriage between himself and his cousin; and although still a girl, who had not completed her twelfth year, the Fair Maid of Galloway[2] was united to the earl, and the immense estates which had fallen asunder upon the execution of William were once more concentrated in the person of the lieutenant-general of the kingdom. In this manner did Livingston, for the purpose of gratifying his ancient feud with the chancellor, lend his influence to the accumulation of a power, in the hands of an ambitious subject, which was incompatible with the welfare of the state or the safety of the sovereign.

But although the monarch was thus abandoned by those who ought to have defended his rights, and the happiness of the state sacrificed to the gratification of individual revenge, there were still a few honest and upright men to be found, who foresaw the danger, and interposed their authority to prevent it; and of these the principal, equally distinguished by his talents, his integrity, and his high birth, was

[1] Auchinleck Chronicle, pp. 36, 37.

[2] In the dispensation obtained afterwards for her marriage with her brother-in-law, it appears that, at the time of her first marriage, she was "infra nubiles annos." Andrew Stewart's Hist. p. 444. The existence of a first countess of Earl William is shewn by the "Great Seal, vii. No. 214, under 13th Oct. 1472; and 248, under 22d Jan. 1472-3."

Kennedy, bishop of St Andrews, a sister's son of James the First, and by this near connexion with the king, entitled to stand forward as his defender against the ambitious faction who maintained possession of his person. Kennedy's rank, as head of the Scottish Church, invested him with an authority, to which, amid the general corruption and licentiousness of the other officers in the state, the people looked with reverence and affection. His mind, which was of the highest order of intellect, had been cultivated by a learned and excellent education, enlightened by foreign travel, and exalted by a spirit of unaffected piety. During a residence of four years at Rome, he had risen into esteem with the honester part of the Roman clergy; and, aware of the abuses which had been introduced, during the minority of the sovereign, into the government of the Church—of the venality of the presentations—the dilapidation of the ecclesiastical lands—the appointment of the licentious dependants of the feudal barons who had usurped the supreme power,—Kennedy, with a resolution which nothing could intimidate, devoted his attention to the reformation of the manners of the clergy, the dissemination of knowledge, and the detection of all abuses connected with the ecclesiastical government. Upon the disgrace of Crichton, this eminent person was advanced to the important office of chancellor, which he retained only for a brief period; and in his double capacity of primate and head of the law, there were few subjects which did not, in one way or other, come within the reach of his conscientious and inquiring spirit.

Upon even a superficial examination of the state of the country, it required little discernment to discover that out of the union of the two parties of the Livingstons and the Douglases had already sprung an infinite multitude of grievances, which weighed heavily upon the people, and that, if not speedily counteracted, the further growth of this coalition might endanger the security of the crown, and threaten the life of the sovereign. The penetrating spirit of Kennedy soon detected an alarming confirmation of these suspicions in the assiduity evinced by Douglas to draw within the coalition between himself and Livingston all the proudest and most powerful of the feudal families, as well as in the preference which he manifested for those to whom the severity of the government of James the First had already given cause of offence and dissatisfaction, and who, with the unforgiving spirit of feudal times, transferred to the person of his son the hatred with which they had regarded the father. Of this there was a striking example in a league or association which Douglas at this time entered into with Alexander, the second earl of Crawford, who had married Mariot de Dunbar, the sister of that unfortunate Earl of March whom we have seen stripped of his ancient and extensive inheritance by James the First, under circumstances of such severity, and at best of such equivocal justice, as could never be forgotten by the remotest connexions of the sufferer.[1] When Kennedy observed such associations, indicating in Douglas a purpose of concentrating around him, not only the most powerful barons, but the most bitter enemies of the ruling dynasty, he at once threw the whole weight of his authority and experience into the scale of the late chancellor, and united cordially with Crichton in an endeavour to defeat such formidable purposes. But he was instantly awakened to the dangers of such a proceeding by the ferocity with which his interference was resented. At the instigation of the lord-lieutenant, the Earl of Crawford, along with Alexander Ogilvy, Livingston, governor of Stirling castle, Lord Hamilton, and Robert Reoch, a wild Highland chief, assembled an overwhelming force, and, with every circumstance of savage and indiscriminate cruelty, laid waste the lands belonging to the bishop, both in Fife and Angus; leading captive his vassals,

[1] Douglas's Peerage, vol. i. p. 376. History, supra, p. 84.

destroying his granges and villages with fire, and giving up to wide and indiscriminate havoc the only estates, perhaps, in the kingdom, which, under the quiet and enlightened rule of this prelate, had been reduced under a system of agricultural improvement. Kennedy, in deep indignation, instantly summoned the Earl of Crawford to repair the ravages which had been committed; and finding that the proud baron disdained to obey, proceeded, with that religious pomp and solemnity which was fitted to inspire awe and terror even in the savage bosoms of his adversaries, to excommunicate the earl and his adherents, suspending them from the services and the sacraments of religion, and denouncing, against all who harboured or supported them, the extremest curses of the Church.[1] It may give us some idea of the danger and the hopelessness of the task in which the Bishop of St Andrews now consented to labour—the reformation of the abuses of the government—when we remember that three of the principal parties engaged in these acts of spoliation were the lieutenant-general of the kingdom, the governor of the royal person, and one of the most confidential members of the king's privy council.[2]

Douglas, in his character of king's lieutenant, now assembled the vassals of the crown, and laid siege to Edinburgh castle, which Crichton, who had anticipated his movements, was prepared to hold out against him to the last extremity. The investment of the fortress, however, continued only for nine weeks; at the expiration of which period, the chancellor, who, since his coalition with the Bishop of St Andrews and the house of Angus, was discovered by his adversaries to have a stronger party than they were at first willing to believe, surrendered the castle to the king, and entered into a treaty with Livingston and Douglas, by which he was not only insured of indemnity, but restored to no inconsiderable portion of his former power and influence.[3] There can be little doubt that the reconciliation of this powerful statesman with the faction of Douglas was neither cordial nor sincere: it was the result of fear and interest, the two great motives which influence the conduct of such men in such times; but from the friendship and support of so pure a character as Kennedy, a presumption arises in favour of the integrity of the late chancellor, when compared with the selfish ambition and lawless conduct of his opponents.

In the midst of these miserable scenes of war and commotion, the queen-mother, who since her marriage with the Black Knight of Lorn had gradually fallen into neglect and obscurity, died at the castle of Dunbar. Her fate might have afforded to any moralist a fine lesson upon the instability of human grandeur. A daughter of the noble and talented house of Somerset, she was courted by James the First, during his captivity, with romantic ardour, in the shades of Windsor, and in the bloom of beauty became the queen of this great monarch. After fourteen years of happiness and glory, she was doomed herself to witness the dreadful assassination of her royal consort; and having narrowly escaped the ferocity which would have involved her in a similar calamity, she enjoyed, after the capture of her husband's murderers, a brief interval of vengeance and of power. Since that period, the tumult of feudal war and the struggles of aristocratic ambition closed thickly around her; and losing her influence with the guardianship of the youthful monarch, the solitary tie which invested her with distinction, she sunk at once into the wife of a private baron, by whom she appears to have been early neglected, and at last utterly

[1] Auchinleck Chronicle, p. 39. Robert Reoch, or Swarthy Robert, was the ancestor of the Robertsons of Strowan. He had apprehended the Earl of Athole, one of the murderers of James the First. He is sometimes styled Robert Duncanson. See Hist. supra, p. 92.

[2] MS. indenture in the possession of Mr Maule of Panmure, between the king's council, and daily about him, on one part, and Walter Ogilvy of Beaufort, on the other.

[3] Auchinleck Chronicle, p. 37.

forsaken. The latest events in her history are involved in an uncertainty which itself pronounces a melancholy commentary on the depth of the neglect into which she had fallen; and we find her dying in the castle of Dunbar, then in the possession of a noted freebooter and outlaw, Patrick Hepburn of Hailes. Whether this baron had violently seized the queen, or whether she had willingly sought a retreat in the fortress, does not appear; but the castle, soon after her death, was delivered up to the king by Hepburn, who, as a partisan of the house of Douglas, was pardoned his excesses, and restored to favour.[1] It was a melancholy consequence of the insecurity of persons and of property in those dark times, that a widow became the mark or the victim of every daring adventurer, and by repeated nuptials was compelled to defend herself against the immediate attacks of licentiousness and ambition.

Upon the death of their mother the queen, the two princesses, her daughters, Jane and Eleanor, were sent to the court of France, on a visit to their sister, the Dauphiness—anxious, in all probability, to escape from a country which was at that moment divided by contending factions, and where their exalted rank only exposed them to more certain danger. On their arrival in France, however, they found the court plunged in distress by the death of the Dauphiness, who seems to have become the victim of a conspiracy which, by circulating suspicions against her reputation, and estranging the affections of her husband, succeeded at last in bringing her to an early grave. There is strong evidence of her innocence in the deep sorrow for her death expressed by Charles the Seventh, and his anxiety that the Dauphin should espouse her sister Jane, a marriage for which he in vain solicited a Papal dispensation, Her husband, afterwards Lewis the Eleventh, was noted for his craft and his malignity; and there is little doubt that even before the slanderous attack upon her character by Jamet de Tillay, the neglect and cruelty of the Dauphin had nearly broken a heart of much susceptibility, enfeebled by an over-devotion to poetry and romance, and seeking a refuge from the scenes of domestic suffering in the pleasures of literary composition, and the patronage of men of genius.[2]

In the meantime, amid a constant series of petty feuds and tumults, which, originating in private ambition, are undeserving the notice of the historian, one, from the magnitude of the scale on which it was acted, as well as from the illustrations which it affords us of the manners of the times, requires a more particular recital. The religious house of Arbroath had appointed Alexander Lindsay, eldest son of the Earl of Crawford, their chief justiciar, a man of ferocious habits, and of great ambition, who, from the length and bushiness of his beard, was afterwards commonly known by the appellation of the "Tiger, or Earl Beardy." The prudent monks, however, soon discovered that the Tiger was too expensive a protector, and having deposed him from his office, they conferred it upon Ogilvy of Innerquharity, an unpardonable offence in the eyes of the Master of Crawford, who instantly

[1] Auchinleck Chronicle, p. 37. Douglas's Peerage, vol. i. p. 224.

Hepburn was ancestor of the Earl of Bothwell, husband of Mary Queen of Scots. Three manuscript letters of James the Second are preserved at Durham, amongst a collection of original papers belonging to the monastery of Coldingham. Raines' Hist. of North Durham, Appendix, p. 22. One of them, dated 28th April 1446, mentions the "maist tressonable takyn of our castell of Dunbar, bernyng her schippis, slaughtyr, pressonying, oppression of our peple, and destruction of our land, and mony other detestabill enormyties and offence done be Patrick of hepburn, sone till Adam hepburn of hales, Knycht."

[2] Berry, Hist. de Charles VII. Duclos III. 20. Paradin, Alliances Genealogiques des Rois et Princes de Gaule, p. 111. "Marguerite, fille de Jacques, Roy d'Escosse, premier de ce nom, fut premiere femme de ce Louis, lui estant encores dauphin, et décéda, n'ayant eu aucuns enfans, l'an 1445, à Chalons, en Champaigne, auquel lieu fut inhume son corps en la grand eglise la, ou demeura jusqu'au regne de Roy Louis, qui le feit lors apporter en l'Abbaie de Saint Laon de Thouars, en Poitou, ou il gît." See same work, p. 307.

collected an army of his vassals, for the double purpose of inflicting vengeance upon the intruder and repossessing himself of the dignity from which he had been ejected. There can be little doubt that the Ogilvies must have sunk under this threatened attack, but accident gave them a powerful ally in Sir Alexander Seton of Gordon, afterwards Earl of Huntly, who, as he returned from court, happened to lodge for the night at the castle of Ogilvy, at the moment when this baron was mustering his forces against the meditated assault of Crawford. Seton, although in no way personally interested in the quarrel, found himself, it is said, compelled to assist the Ogilvies, by a rude but ancient custom, which bound the guest to take common part with his host in all dangers which might occur so long as the food eaten under his roof remained in his stomach.[1] With the small train of attendants and friends who accompanied him, he joined the forces of Innerquharity, and proceeding to the town of Arbroath, found the opposite party drawn up in great strength on the outside of the gates. The families thus opposed in mortal defiance to each other could number amongst their adherents many of the bravest and most opulent gentlemen in the country; and the two armies exhibited an imposing appearance of armed knights, barbed horses, and embroidered banners. As the combatants, however, approached each other, the Earl of Crawford, who had received information of the intended combat, being anxious to avert it, suddenly appeared on the field, and galloping up between the two lines, was mortally wounded by a soldier, who was enraged at his interference, and ignorant of his rank. The event naturally increased the bitterness of hostility, and the Crawfords, who were assisted by a large party of the vassals of Douglas, infuriated at the loss of their chief, attacked the Ogilvies with a desperation which soon broke their ranks, and reduced them to irreclaimable disorder. Such, however, was the gallantry of their resistance that they were almost entirely cut to pieces; and five hundred men, including many noble barons in Forfar and Angus, were left dead upon the field.[2] Seton himself had nearly paid with his life the penalty of his adherence to the rude usage of the times; and John Forbes of Pitsligo, one of his followers, was slain; nor was the loss which the Ogilvies sustained in the field their worst misfortune: for Lindsay, with his characteristic ferocity, and protected by the authority of Douglas, let loose his army upon their estates; and the flames of their castles, the slaughter of their vassals, the plunder of their property, and the captivity of their wives and children, instructed the remotest adherents of the Justiciar of Arbroath how terrible was the vengeance which they had provoked. What must have been the state of the government, and how miserable the consequences of those feudal manners and customs, which have been admired by superficial inquirers, where the pacific attempt of a few monks to exercise their undoubted privilege in choosing their own protector, could involve a whole province in bloodshed, and kindle the flames of civil war in the heart of the country! It does honour to the administration of Kennedy that, although distracted by such domestic feuds, he found leisure to attend to the foreign commercial relations of the state, and that a violent dissension which had broken out betwixt the Scots and the Bremeners, who had seized a ship freighted from Edinburgh, and threatened further hostilities, was amicably adjusted by envoys despatched for the purpose to Flanders.[3]

The consequences of the death of the Earl of Crawford require particular attention. That ambitious noble had been one of the firmest allies of Douglas; and the lieutenant-general, well aware that superior power was

[1] Lesley, De Rebus Gestis Scotorum, p. 286. History of Scotland by the same author, p. 18.

[2] Auchinleck Chronicle, p. 38.

[3] See Illustrations, L.

the sole support of an authority which he had very grossly abused, immediately entered into a league with the new Earl of Crawford, and Alexander, earl of Ross and lord of the Isles, in whose mind the imprisonment and degrading penance inflicted upon him by James the First had awakened desires of revenge, the deeper only from their being long repressed. The alliance between these three nobles was on the face of it an act of treason, as it bore to be a league offensive and defensive against all men, not excepting the sovereign; and it was well known that Crawford, from his near connexion with the forfeited house of March, inherited a hatred of the royal family, which, increased by his native ferocity, had at last grown up into a determined resolution to destroy the race. The coalition seems to have acquired additional strength during the succeeding year by the accession of the Livingstons, so that, with the exception of Crichton and Kennedy, there was scarcely to be found a baron of consequence who was not compelled to support the governor in his attempt to sink the authority of the sovereign, and concentrate in his own person the undivided administration of the state.

Against his success in this treasonable project Douglas soon found that his most formidable opponent was the young king himself, who had reached the age of seventeen years, and although under the disadvantage of a confined education, began to evince a sagacity of judgment and a vigour of character which gave the fairest promise of excellence. Cautiously abstaining from offering any open disgust to the governor, he attached silently to his service the upright and able Kennedy, and the experienced Crichton, who appears about this time to have been raised to the dignity of a lord in parliament, and soon after reinstated in the important office of chancellor. Aware even at this early age of the intellectual superiority of the clergy, he exerted himself to secure the services of the most distinguished of this order; by friendly negotiations with England he secured the favourable dispositions of Henry the Sixth, and with the courts of France and of Rome he appears to have been on terms of the utmost confidence and amity. To ascribe the whole merit of these wise and politic measures to the young monarch would be absurd; but allowing that they originated with the party of Crichton and of Kennedy, with whom he had connected himself, the praise of the selection of such advisers and the confidence with which they were treated belongs to James.

This confidence was soon after evinced upon an important occasion, when the king granted a commission to the chancellor Crichton, his secretary, Railston, bishop of Dunkeld, and Nicholas de Otterburn, official of Lothian, to repair to France for the purpose of renewing the league which for many centuries had subsisted between the two countries, and with a commission to choose him a bride amongst the princesses of that royal court. The first part of their duty was soon after happily accomplished, but as the family of the King of France afforded at that moment no suitable match for their young sovereign, the Scottish ambassadors, by the advice of Charles the Seventh, proceeded to the court of the Duke of Gueldres, and made their proposals to Mary, the only daughter and heiress of this wealthy potentate, and nearly related to the French king. In the succeeding year accordingly the princess was solemnly affianced as the intended consort of the King of Scotland.[1]

In the midst of these measures James was careful to afford no open cause of suspicion or disgust to the faction of the Livingstons, or to the still more powerful party of the Douglases and Crawfords. His policy was to disunite them in the first instance, and afterwards to destroy them in detail; and in furtherance of this project he appears to have called home from the continent Sir James Stewart, the husband of his late mother, the queen-dowager, and Robert Fleming, the son

[1] MS. Traitez entre les Rois de France et les Rois d'Escosse. Advocates' Library, Edinburgh.

of Sir Malcolm Fleming, who by the command or with the connivance of the Livingstons had been executed in Edinburgh castle along with the Earl of Douglas and his brother. All this to a deep observer must have indicated a preparation for the fall of the Livingstons, but as the king was careful to retain them in his service, and to use their assistance in his negotiations, they appear to have been deceived into a false security, and to have neglected all means of defence and all opportunity of escape till it was too late. Douglas, however, was not so easily seduced, but suspecting the designs of the monarch, which were quietly maturing amid the peace and tranquillity with which he was surrounded, determined to divide his strength and defeat his purposes by involving him in a war with England. Nor was this a matter of much difficulty, as the truce which subsisted between the two countries was on the point of expiring, and the Borderers had already commenced their hostilities. Three parties at present divided England,—that of the good Duke of Gloucester, who seems to have been animated by a sincere love for his sovereign, Henry the Sixth, and an enlightened desire to promote the prosperity of the nation by the maintenance of pacific relations with Scotland; that of the queen and the Duke of Suffolk, the determined enemies of Gloucester, and solicitous only for the concentration of the whole power of the state into their own hands; and, lastly, that of Richard, duke of York, who, having already formed a design upon the crown, made it his chief business to widen the breach between the two factions of Gloucester and the queen, and to prepare the way for his own advancement by increasing the miseries which the nation suffered under the domination of the house of Lancaster. To this able and ambitious prince the decay of the English power in France and the resumption of hostilities upon the Borders were subjects rather of congratulation than of regret; and when both countries contained two powerful nobles, Douglas and the Duke of York, equally solicitous for war, it is only matter of surprise that hostilities should not have broken out at a more early period.

On their occurrence the aggression seems to have first proceeded from the English, who, under the command of the Earls of Northumberland and Salisbury, wardens of the east and west marches, broke violently, and in two divisions of great force, into Scotland, and left the towns of Dunbar and Dumfries in flames. This, according to the usual course of Border warfare, led to an immediate invasion of Cumberland by James Douglas of Balveny, brother of the Earl of Douglas, in which Alnwick was burnt and plundered, and the whole of that province cruelly wasted and depopulated, whilst, as a spirit of revenge and the passionate desire for retaliation spread over a wider surface, the whole armed population of the country flowed in at the call of the wardens, and a force of six thousand English, under the command of the younger Percy, along with Sir John Harrington and Sir John Pennington, crossed the Solway, and encamped upon the banks of the river Sark, where they were soon after defeated by the Scots, under the command of Hugh, earl of Ormond, another brother of the Earl of Douglas. Along with Ormond were Sir John Wallace of Craigie, the Sheriff of Ayr, the Laird of Johnston, and the Master of Somerville, who commanded a force considerably inferior to that which they encountered, being about four thousand strong. They succeeded, however, in dispersing the English, of whom fifteen hundred men were left dead upon the field, five hundred drowned in the Solway, and the leaders, Percy, Harrington, and Pennington taken prisoners, by whose ransom, as well as the plunder of the English camp, the Scottish leaders were much enriched.[1] The Scots lost only twenty-six soldiers, but Wallace

[1] Auchinleck Chronicle, p. 40. The version of this battle, which Pinkerton, in the silence of English and Scottish historians, has extracted from the French writers Chartier and Monstrelet, is fabulous.

of Craigie, a leader of great courage and experience, whose conduct had mainly contributed to the victory, soon after died of his wounds.

It would appear, however, that both countries were willing to consider this infringement of the peace rather as an insulated and accidental disturbance of the Borders than a fixed determination to renew the war. It led to no more serious hostilities, and whilst in England the loss of the French dominions, the rebellion of Ireland, and the intrigues of the Yorkists, spread dissatisfaction and alarm throughout the country, the King of Scotland, whose character seemed gradually to gain in intelligence and vigour, looked anxiously forward to the arrival of his intended consort, and summoned his parliament to meet at Stirling on the 4th of April 1449. Unfortunately, with a single and unimportant exception, no record of the transactions of this meeting of the estates has reached our times.[1] We know, however, that the practice of appointing a committee of parliament, composed of the representatives of the bishops, the barons, and the commissaries of the burghs, was continued, and it may be conjectured that their remaining deliberations principally regarded the approaching marriage of the king. Preparations for this joyful event now engrossed the court, and it was determined that the ceremony should be conducted with much magnificence and solemnity.

On the 18th of June, the fleet which bore the bride anchored in the Forth. It consisted of thirteen large vessels, and had on board a brilliant freight of French and Burgundian chivalry. The Archduke of Austria, the Duke of Brittany,[2] and the Lord of Campvere, all brothers-in-law to the King of Scotland, along with the Dukes of Savoy and of Burgundy, with a suite of knights and barons, accompanied the princess and her ladies, whilst a body-guard of three hundred men-at-arms, clothed, both man and horse, in complete steel, attended her from the shore to the palace of Holyrood, where she was received by her youthful consort.[3] The princess, a lady of great beauty, and, as it afterwards proved, of masculine talent and understanding, rode, according to the manners of the times, behind the Lord Campvere, encircled by the nobles of France, Burgundy, and Scotland, and welcomed by the acclamations of an immense concourse of spectators. The portion of the bride amounted to sixty thousand crowns, which was stipulated to be paid within two years by the maternal uncle of the princess, Philip the Good, duke of Burgundy, one of the wealthiest and most powerful princes in Europe, who now attended her to Scotland. James, on the other hand, settled upon the queen, in the event of his previous decease, a dowry of ten thousand crowns, which was secured upon lands in Strathern, Athole, Methven, and Linlithgow; and he bound himself, in the event of a male heir being born to the Duke of Gueldres, to renounce all claims to which his marriage with the princess might otherwise have entitled him. At the same period, in consideration of the amicable and advantageous commercial intercourse which from remote ages had been maintained between the Scottish merchants and the people of Brabant, Flanders, Holland, Zealand, and other territories, all of which were now subject to the Duke of Burgundy, a treaty of perpetual friendship and alliance was concluded between these united states and the kingdom of Scotland, in which their respective sovereigns engaged to compel all aggressors upon their mutual subjects, whether the attack and spoliation was conducted by land or sea, to make the amplest satisfaction and restitution to the injured par-

[1] Acts of the Parliament of Scotland, vol. ii. p. 60.

[2] Paradin, Alliances Genealogiques de Rois de France, p. 571. Francis the First, seventh Duke of Brittany, "fort bon et loyal François, et l'un des fléaux des Anglois, mesmes au recouvrement de Normandie." He died in 1450. He married Isabella, daughter of James the First, sister of James the Second of Scotland, sister to the Dauphiness of France. They had two daughters: Margaret, married to Francis, the tenth Duke of Brittany; and Mary, married to the Viscount of Rohan.

[3] Auchinleck Chronicle, p. 41.

ties.[1] From the moment of the arrival of the Princess of Gueldres till the solemnisation of her marriage and coronation, the time was occupied by feasting, masks, revelry, and tournaments; amongst which last amusements there occurred a noted combat at outrance, in which three Burgundian champions, famous amongst their contemporaries for an unrivalled skill in their weapons, challenged the bravest of the Scottish knights to an encounter with the lance, battle-axe, sword, and dagger. The challenge of the foreign knights, two of whom belonged to the ancient and noble family of Lalain, whilst the third was the Sieur de Meriadet, lord of Longueville, was accepted by James Douglas, brother of the earl, another baron of the same name, brother of Douglas of Lochleven, and Sir John Ross of Halket. The lists were erected at Stirling, where the combatants having entered, splendidly apparelled, first proceeded to arm themselves in their pavilions. They were then knighted by the king; and, at the sound of the trumpet, engaged in a desperate encounter, in which spears were soon shivered and cast aside to make way for the close combat. At length, one of the Douglases being felled to the ground by the stroke of a battle-axe, the monarch, anxious to avoid the further effusion of blood, or to stain his nuptial entertainment by the death of such brave knights, threw down his gauntlet, and terminated the contest.[2] It may give us some idea of the immense power possessed at this period by the Earl of Douglas when we mention that on this chivalrous occasion the military suite by which he was surrounded, and at the head of which he conducted the Scottish champions to the lists, consisted of a force amounting to five thousand men.

Soon after this, the royal marriage was solemnised in the Abbey of Holyrood, and the king, guided by the advice and experience of Crichton and Kennedy, resumed his designs for the vindication of his own authority, and the destruction of those unprincipled barons who had risen, during his minority, upon its ruins. Against Douglas, however, on account of his exorbitant power, it was as yet impossible to proceed, although an example of his insolent cruelty occurred about this time, in the murder of Colvil of Oxenham and a considerable body of his retainers,[3] which deeply incensed the young monarch. Dissembling his resentment till a more favourable opportunity, the king directed his whole strength against the faction of the Livingstons; and having received secret information of a great convocation which they were to hold at the bridge of Inchbelly, which passes over the Kelvin near Kirkintilloch, he was fortunate enough to surround them by the royal forces, and arrest the leading men of the family before they could adopt any measures either for resistance or escape. James Livingston, eldest son of the aged and noted Sir Alexander Livingston of Callander; Robyn of Callander, captain of Dumbarton; David Livingston of Greenyards; John Livingston, captain of Doune castle; Robert Livingston of Lithgow; and, not long after, Sir Alexander himself, were seized and thrown into prison, while such expedition was used that within forty days not only their whole property was put under arrest, but every officer who acted under their authority was expelled violently from his situation, and every castle or fortalice which was held by themselves or their vassals, seized and occupied by the sovereign.[4] The manner in which this bold and sweeping measure was carried into execution is involved in an obscurity very similar to that which in a former reign attended the arrest of the family and faction of Albany by James the First. In both instances the great outlines of the transaction alone remain, and all the minute but not less important causes which led to the weakening the resistance of the victims

[1] MS. Bib. Harl. 4637, vol. iii. p. 183.
[2] Auchinleck Chronicle, p. 40. De Coucy, p. 567. His memoirs are published at the end of the History of Jean Chartier.
[3] Auchinleck Chronicle, p. 41.
[4] Ibid. p. 42.

of royal vengeance, to the strengthening the hands of the executive, and to the surprise and discomfiture of a formidable faction, which had for twelve years controlled and set at defiance the utmost energies of the government, are lost in the silence of contemporary history and the destruction of original records. All that is certainly known seems to indicate an extraordinary increase in the resources, courage, and ability of the king, and a proportionable diminution in the strength, or a remarkable indifference and lukewarmness in the zeal, of the great families by whom he had been so long retained in a state of ignominious durance.

Immediately after this unexpected display of his power, which excited great astonishment in the country, the king despatched the Bishop of Brechin and the Abbot of Melrose, his treasurer and confessor, along with the Lords Montgomery and Grey, as his ambassadors, for the purpose of concluding a truce with England;[1] and a meeting having taken place with the commissioners of the English monarch in the cathedral church at Durham, on the 25th of November, a cessation of hostilities for an indefinite period was agreed on, in which the most ample provisions were included for the encouragement of the commerce of both kingdoms, and which, upon six months' previous warning being given, might be lawfully infringed by the English or the Scottish monarch. A confirmation of the treaty with France, and a ratification of the league with the Duke of Brittany, immediately succeeded to the negotiations in England;[2] and James having thus wisely secured himself against any disturbance from abroad, summoned his parliament to meet at Edinburgh on the 19th of January, and proceeded with a determined purpose and exemplary severity to enforce the judgment of the law against the manifold offences of the house of Livingston.

Their principal crime, in itself an act of open treason, had been the violent attack upon the queen, and the imprisonment of her person on the 3d of August 1439; and with a manifest reference to this subject it was declared, "That if any man should assist, counsel, or maintain those that are arraigned by the sovereign in the present parliament on account of crimes committed against the king or his late dearest mother, they should be liable to the punishment inflicted on the principal offenders." Sir Alexander Livingston of Callander, the head of the family, and now an aged man, James Dundas of Dundas, his cousin-german, and Robert Bruce, brother to Bruce of Clackmannan, were forfeited and imprisoned in Dumbarton castle. The vengeance of the law next fell upon Alexander Livingston, a younger son of the Lord of Callander, along with Robert Livingston, comptroller, who were hanged and afterwards beheaded on the Castle Hill at Edinburgh, upon which Archibald Dundas, whose brother had been shut up in Dumbarton, threw himself into the castle of Dundas, which was at that time strongly garrisoned and full of provisions, declaring that he would die upon the walls, or extort from the king a free pardon to himself and his adherents. Why the father, the eldest son, James, and James Dundas, who were all of them personally engaged in the atrocious attack on the queen,[3] were permitted to escape with imprisonment, whilst a mortal punishment was reserved for apparently inferior delinquents, it is difficult to discover.[4]

Another obscurity occurs in the

[1] Rymer, vol. xi. p. 242.

[2] Mag. Sig. iv. fol. 1.

[3] Mag. Sig. iv. 4. Charter by James II. to Alexander Naper, "Compotorum suorum Rotulatori, pro suo fideli servicio quondam carissimo Matri Regine impenso et in remuneracionem et recompensationem lesionis sui corporis, ac gravaminum et dampnorum sibi illatorum tempore proditoriæ tradicionis et incarcerationis dicte Reginæ, per Alex. de Levingston, militem, et Jac. de Levingston, filium suum, ac suos complices, nequiter perpetrati." See also a royal charter to the Earl of Douglas of half of the lands of Dundas, and Echling of Dumany and Queensferry, forfeited by James of Dundas—"propter proditoriam tradicionem in personam regiam per eundem Jac. commissam."

[4] Pinkerton, vol. i. p. 203, misled by Boece and Lindsay, has committed an error in placing the destruction of the Livingstons in 1446, and ascribing it to the Earl of Douglas.

passive manner in which the Earl of Douglas appears to have regarded the downfall of those with whom he had been long connected by the strictest ties of mutual support and successful ambition. There can be little doubt that the king, who had now surrounded himself by some of the ablest men in the country, whom he chiefly selected from the ranks of the clergy, was well aware of the treasonable league between Douglas, Ross, and Crawford, and already meditated the destruction of this haughty potentate, whose power was incompatible with the security of the government; and it is extraordinary that the example of the sudden destruction of his companions in intrigue and insubordination should not have alarmed the earl for his own safety. The most probable account seems to be that, aware of the increasing strength of the party of the sovereign, he found it expedient to act as an ally rather than an enemy, and in good time to desert, and even to share in the spoils of those whom he considered it desperate to defend. It is certain, at least, that immediately subsequent to the forfeiture of the Livingstons Douglas repeatedly experienced the favour and generosity of the sovereign. When Dundas castle, after a resolute defence of three months, surrendered to the royal army, the wealth of the garrison, the cannon, provisions, and military stores were divided between the king, the Earl of Douglas, and Sir William and Sir George Crichton. On the forfeiture of Dundas's lands, a great part of his estate was settled on Douglas; his lordship of Galloway was erected into a special regality, with the power of holding justice and chamberlain ayres, to be held blanch of the sovereign; he obtained also the lands of Blairmaks in Lanarkshire, forfeited by James of Dundas, and of Coulter and Ogleface, which had been the property of the Livingstons.[1]

In the same parliament which inflicted so signal a vengeance upon this powerful family, the condition of the country, and the remedy of those abuses which had grown up during the minority of the monarch, engaged the attention of the legislature; and to some of the resolutions which were passed, as they throw a strong light on the times, it will be necessary to direct our attention. After the usual declaration of the intention of the sovereign to maintain the freedom of "Haly Kirk," and to employ the arm of the civil power to carry the ecclesiastical sentence into execution against any persons who had fallen under the censures of the Church, the parliament provided that general peace should be proclaimed and maintained throughout the realm, and that all persons were to be permitted to travel in security for mercantile or other purposes, in every part of the country, without the necessity of "having assurance one of the other." The "king's peace," it was observed, was henceforth to be "sufficient surety to every man," as the sovereign was resolved to employ such officers alone as could well punish all disturbers of the public peace. In the event of any person being, notwithstanding this enactment, in mortal fear of another, a daily and hourly occurrence in these times of feudal riot and disorder, he was commanded to go to the sheriff, or nearest magistrate, and swear that he dreads him; after which the officer was to take pledges for the keeping of the peace, according to the ancient statutes upon this subject. Those who filled the office of judges were to be just men, who understood the law, and whose character should be a warrant for an equal administration of justice to the small as well as to the great. It was appointed that the justice should make his progress through the country twice in the year, according to the old law.[2]

The attention of the parliament appears to have been next directed to that grave subject, of which the recent history of the country had afforded so many illustrations, rebellion against the king's person and authority, upon which it was first provided that the crime should be punished according to the judgment of the three estates, who

[1] Mag. Sig. iv. No. 109, 110. Ibid. No. 59.

[2] Acts of the Parliament of Scotland, vol. ii. p. 35.

were to take into consideration "the quality and the quantity of the rebellion." In the next place, when any man openly and "*notourly*" raised rebellion against the sovereign, or made war upon the lieges, or gave encouragement or protection to those guilty of such offences, the parliament declared it to be the duty of the sovereign, with assistance of the whole strength of the country, to proceed in person against the offender, and inflict upon him speedy punishment; whilst all persons who in any way afforded countenance to those convicted of rebellion were to be punished with the same severity as the principal delinquents.

The next enactment of this parliament constituted an important era in the history of the liberty of the subject; and I think it best to give it in its ancient simplicity:—"It is declared to be ordained for the safety and favour of the *poor people who labour the ground*, that they, and all others who have taken or shall take lands in any time to come from lords, according to a lease which is to run for a certain term of years, shall remain on the lands protected by their lease till the expiry of the same, paying all along the same yearly rent, and this notwithstanding the lands should pass by sale, or by alienation, into different hands from those by whom they were first given in lease to the tenant." Under the reign of James the First, we have already pointed out the request made by that monarch to the [illegible] feudal lords, that they would not summarily remove their tenantry from their lands possessed on lease: this was clearly the earliest step towards the attainment of the important privilege contained in the above statute; a wise and memorable act in its future consequences on the security of property, the liberty of the great body of the people, and the improvement of the country.[1]

For the prevention of those invasions of property, which were at this period so frequent throughout the country, the sheriff was peremptorily enjoined to make immediate inquiry, and compel the offenders to instant restoration; an act easily engrossed in the statute-book, but almost impossible to be carried into execution, so long as the sheriff himself was under the fear and authority of one or other of the great feudal lords, or might perhaps be himself a principal offender. We find it accordingly provided that these officers, along with the justices, chamberlains, coroners, and other magistrates, shall be prevented from collecting around them, in their progresses through the country, those numerous trains of attendants, which grievously oppressed the people, and that they should content themselves with that moderate number of followers appointed by the ancient laws upon this subject.

The statute which immediately followed, from the strength and simplicity of its language, gives us a singular and primitive picture of the times. It related to that description of persons who, disdaining all regular labour, have ever been, in the eyes of the civil magistrate, a perverse and hateful generation, "sornars, outlyars, masterful beggars, fools, bards, and runners about." For the putting away of all such vexatious and rude persons, who travelled through the country with their horses, hounds, and other property, all sheriffs, barons, aldermen, and bailies, either without or within burgh, were directed to make inquiry into this matter at every court which they held; and in the event of any such individuals being discovered, their horses, hounds, and other property were to be immediately confiscated to the crown, and they themselves put in prison till such time as the king "had his will of them." And it was also commanded by the parliament that the same officers, when they held their courts, should make inquiry whether there be any persons that followed the profession of "Fools," or such like runners about who did not belong to the class of bards; and such being discovered, they were to be put in prison or in irons for such trespass as long as

[1] Acts of the Parliament of Scotland, vol. ii. pp. 35, 36.

they had any goods or substance of their own to live upon. If they had nothing to live upon, it was directed that "their ears be nailed to the tron, or to any other tree, and then cut off, and they themselves banished the country, to which if they returned again they were upon their first apprehension to be hanged."[1]

For the examination of the acts of parliament and of general councils, which had been assembled in the time of the present king and of his late father, the three estates appointed a committee of twelve persons, four chosen from the bishops, four from the lords, and four from the commissaries of burghs. To this body was committed the task of selecting all such acts as they esteemed wise, and calculated to promote the present advantage of the realm, which were to be revised and presented for approval at the next parliament to be assembled at Perth. For the prevention of that grievous calamity, a dearth of provisions in the land, the sheriffs, bailies, and all other officers, both without and within the burghs, were strictly enjoined to discover, arrest, and punish all such persons within their own jurisdiction who were in the practice of buying victual or corn, and hoarding it up till the occurrence of a dearth, whilst the provisions which they had thus hoarded were directed to be escheated to the king. In addition to these enactments, whilst free permission was granted to all the subjects of the realm to buy and sell victual at their pleasure, either on the north half or south half of the Firth of Forth, yet the keeping old stacks of corn in the farm-yard later than Christmas was strictly prohibited, and it was enjoined in equally positive terms that neither burgesses nor other persons who bought victual for the purpose of selling again should be allowed to lay up a great store of corn, and keep it out of the market till the ripening of the next harvest; but that at this late season of the year they were only to have so much grain in their possession as was requisite for the support of themselves and their families.[2]

The succeeding statute, upon the punishment of treason, was directed against the repetition of the practices of Livingston, Douglas, and Crichton, which disgraced the minority of this sovereign. It provided that in the event of any person committing treason against the king's majesty by rising against him in open war, or laying violent hands upon his person—by giving countenance to those convicted of treason—supplying with military stores and armed men the castles of convicted traitors—holding out such castles against the king's forces, or assailing any fortress in which the king's person might happen to be at the time—he should be immediately arrested and openly punished as a traitor. When those who had been guilty of theft or robbery were men of such power and authority that the justiciar was not in safety to hold his court, or to put down by the arm of the law such "great and masterful theft," he was instantly to communicate with the king, who, with the assistance of his privy council, should provide a remedy; and, in order that such bold and daring offenders be not placed upon their guard as to the legal processes in preparation against them, the justice-clerk was commanded not to reveal his action to any person whatever, or alter it in any way from the form in which it was given him, except for the king's advantage, or change any names, or put out any of the rolls without orders from the king or his council, and this under the penalty of the loss of his office and estate, at the will of the sovereign.[3] How lamentable a picture does it present of the condition of the country when such expressions could be employed; where an acknowledged infringement of the law was permitted, "if it be for the king's advantage;" and in which the right of the subject to be informed of the offence of which he was accused, previous to his trial,

[1] Acts of the Parliament of Scotland, vol. ii. p. 36.

[2] Acts of the Parliament of Scotland, vol. ii. p. 36.

[3] Ibid, vol. ii. p. 37.

appears to be thus unceremoniously sacrificed!

Upon the important subject of the money of the realm, reference was made, in this parliament, to a former act, now unfortunately lost, by which twenty-four persons were chosen from the three estates to appoint proper regulations as to the importation of bullion by the merchants, the new coinage and its issue, and the circulation of the money then current. Strict search was directed to be made at all seaports, and upon the Borders and marches, for the apprehension of those carrying money out of the kingdom; and all false strikers of gold and silver, all forgers of false groats and pennies, were to be seized wherever found, and brought to the king, to be punished as the law directed. In the same parliament, the monarch, with that affectionate respect for the clergy which could not fail to be experienced by a prince who had successfully employed their support and advice to escape from the tyranny of his nobles, granted to them some important privileges. In a charter dated on the 24th January 1449, he declared that, "for the salvation of his own soul, and that of Queen Mary his consort, with consent of his three estates, and in terms of a schedule then presented to him, he conferred upon all bishops of cathedral churches in Scotland the privilege of making their testaments, of levying the fruits of vacant sees, and converting them to their use, the vicars-general of the cathedrals rendering a true account of the same.[1]

At the time the king held this parliament, he appears to have entertained the most amicable disposition towards England, wisely considering that it would require a long interval of peace to reform the condition of his own kingdom, and to rectify the abuses to which he was now beginning to direct his undivided attention. He was well aware that the English government, entirely occupied in a vain effort to retain the provinces which had been conquered in France, and weakened by the selfish administration of the queen and her favourite, Suffolk, could have little disposition to engage in a war with Scotland; and he considered the protest of that government, upon the old and exploded claim of homage, as a piece of diplomatic etiquette which it would be absurd to make a serious ground of offence. He accordingly despatched John Methven, a doctor of decretals, as his ambassador to the court of England: he appointed the Bishops of Dunkeld and Brechin, with the Earls of Douglas, Angus, and Crawford, to meet the commissioners of Henry the Sixth, for the regulation of the truces and settlement of the marches: whilst he encouraged, by every method in his power, the friendly intercourse between the two countries.[2]

At the same time, without absolutely attempting to deprive the Earl of Douglas of his high office of lieutenant-general of the kingdom, a measure which must have excited extreme commotion, he silently withdrew from him his countenance and employment, surrounding himself by the most energetic counsellors, whom he promoted to the chief offices in the state, rewarding the chancellor Crichton "for his faithful services rendered to the king's father, and to the king himself;" and weakening the power of the earl and his party, rather by the formidable counterpoise which he raised against it, than by any act of determined hostility.[3] The consequences of this line of policy were highly favourable to the king. The power and unjust usurpation of Douglas over the measures of government decreased almost imperceptibly, yet by sure degrees, as the character of the sovereign increased in firmness, and the authority of the ministers by whom he managed the government became more steadily exerted; the terror with which the people had regarded the tyrannic sway of this imperious noble began to be dispelled; and the despot himself, aware that his dominion was on the wane, and conscious that any open insurrection would be premature, determined to leave the country for a season, and repair to

[1] Mag. Sig. iv. 5. Jan. 24, 1449.

[2] Rotuli Scotiæ, vol. ii. p. 342.

[3] Mag. Sig. iv. 34. June 12, 1450.

Rome on a visit to the Pope, making some stay, in his way thither, at the courts of England and France. His train consisted of six knights, with their own suites and attendants, and fourteen gentlemen of the best families in the country, with their servants, accompanied by a body of eighty horse, or men-at-arms.[1]

Although the only motives assigned for this expedition were those arising out of religion and the love of travel, it seems by no means improbable that Douglas had other objects in view. In right of his wife, he possessed a claim to the wealthy duchy of Touraine; which, although then a male fief, might be altered to heirs-general by the King of France at the request of so potent a baron. In England, also, he could not possibly be ignorant of the intrigues of the Yorkists against the government of Henry the Sixth; and he may have had hopes of strengthening his own power, or diminishing that of his sovereign, by an alliance with a faction whose views were expressly opposed to the pacific policy of the present government of Scotland. In addition to this, although absent in person, and with the apparent intention of remaining some years abroad, he left powerful friends at home, whose motions he directed, and by whose assistance he entertained the hope of once more possessing himself of the supreme power in the state. Upon James Douglas, his brother, Lord of Balveny, he conferred the office of procurator or administrator of his estates during his absence; and there seems a strong presumption that he secretly renewed that treasonable correspondence with the Earls of Ross and Crawford which has been already mentioned as embracing an offensive and defensive alliance against all men, not excepting the person of the sovereign.

In the meantime, he and his numerous suite set sail for Flanders, from which they proceeded to Paris. He was here joined by his brother, James Douglas, at this time a scholar at the university, and intending to enter the Church, but afterwards Earl of Douglas.[2] From the court of France, where he was received with distinction, Douglas proceeded to that of the Supreme Pontiff, during the brilliant season of the jubilee, where his visit appears to have astonished the polite and learned Italians, as much by its foreign novelty as by its barbaric pomp. His return, however, was hastened by disturbances at home, arising out of the insolence and tyranny of his brother, Douglas of Balveny, to whom he had delegated his authority, and against the abuses of whose government such perpetual complaints were carried to the king, that, according to the provisions of the late act of parliament upon the subject, he found it necessary to conduct in person an armed expedition into the lands of the delinquent. The object of this enterprise was to expel from their strongholds that congregation of powerful barons who were retained in the service of this feudal prince, and, under the terror of his name, invaded the property of the people, and defied the control of the laws. James, however, did not betake himself to this measure until he had in vain attempted to appease the disturbances, and inflict punishment upon the offenders by the arm of the civil power; but having been driven to this last necessity, he made himself master of Lochmaben castle, exterminated from their feudal nests the armed retainers, who were compelled to restore their plunder, and razed to the ground this ancient strength, which had long been the centre of insubordination. He then returned to court, and, under the idea that they had suffered a sufficient imprisonment, restored to liberty Sir Alexander Livingston and Dundas of Dundas, who had been confined in Dumbarton castle since the memorable forfeiture of the Livingstons in the preceding year. Dundas appears immediately to have repaired to Rome,[3] with the design, in all probability, of secretly communicating with Douglas, whilst that for-

[1] Rotuli Scotiæ, vol. ii. p. 343.

[2] Buchanan, book xi. chap. xxxii. Lesley, p. 22.

[3] Rotuli Scotiæ, vol. ii. p. 344.

midable potentate, dreading the full concentration of the regal vengeance, which had already partially burst upon him, set out forthwith on his return to Scotland.

In the meantime, his friends and confederates were not idle at home. In 1445, a secret league, as we have already seen, had been entered into between Douglas and the Earls of Ross and Crawford, and the confederacy now resorted to hostile measures. Ross, who died in 1449, had transmitted to his eldest son, John, his treason along with his title; and the new earl, who was connected by marriage with the Livingstons, broke out into rebellion, and seized the royal castles of Inverness, Urquhart, and Ruthven in Badenoch. This last place he immediately demolished; Urquhart was committed to Sir James Livingston, who, on the first news of Ross's rebellion, had escaped from the king's court to the Highlands; whilst Inverness castle was supplied with military stores, and strongly garrisoned.[1] Although a rebellion which threatened to involve the whole of the northern part of Scotland in war and tumult must have been known, and was probably instigated by Douglas, it appears that the king, from his ignorance of the earl's confederacy with Ross and Crawford, did not suspect his connivance. Douglas's absence from Scotland, and the secrecy with which the treasonable correspondence had been conducted, for a while blinded the eyes of the monarch; and on his return from Rome, having expressed his indignation at the excesses committed by his vassals during his absence, and his resolution to employ his power on the side of the laws, he was again received into favour, and appointed, along with the Bishops of Dunkeld and Brechin, and the Earls of Angus and Crawford, a commissioner to treat of the prolongation of the truce with England.[2]

The earl, however, shewed himself little worthy of this renewed confidence upon the part of the king. He put his seal, indeed, into the hands of the other commissioners for the purpose of giving a sanction to the articles of truce, but he remained himself in Scotland; and although the evidence is not of that direct nature which makes his guilt unquestionable, there seems a strong presumption that, in concert with the Earls of Ross and Crawford, supported by the faction of the Livingstons and Hamiltons, and in conjunction with the party of the Yorkists in England, he entered into a conspiracy against his sovereign. It is well known that at this moment the Duke of York, father to Edward the Fourth, was busy in exciting a spirit of dissension in England, and anxious to adopt every means to weaken the power of Henry the Sixth. Douglas accordingly despatched his brother, Sir James, who repaired to London, and continued there for a considerable time, caressed by the faction which was inimical to the existing government; whilst the earl soon after obtained a protection for himself, his three brothers, twenty-six gentlemen, and sixty-seven attendants, who proposed to visit the court of England, and proceed afterwards to the continent.[3] It is worthy of observation that the persons whose names are included in these letters of safe-conduct are the same who afterwards joined the house of Douglas in their open revolt; and there seems to be no doubt, from this circumstance, that although the conspiracy did not now burst forth in its full strength, it was rapidly gaining ground, and advancing to maturity.

It was impossible, however, to conduct their treasonable designs upon so great a scale without exposing themselves to the risk of detection; and some suspicions having been excited at this moment, or some secret information transmitted to the king, enough of the intrigue was discovered to justify parliament in depriving the Earl of Douglas of his office of lieutenant-general of the kingdom.[4] It will be recollected that the sovereign was now

1 Auchinleck Chronicle, p. 44.

2 Rymer, vol. xi. p. 283. Rotuli Scotiæ, vol. ii. 345.

3 Rymer, vol. xi. p. 284.

4 Boece, book xviii. p. 372.

in his twenty-first year; that by attaching to his service the most enlightened of his clergy, and making use of the energetic talents of Crichton, his chancellor, he had already left nothing to Douglas but the name of his great office; and although his suspicion of the treasonable designs of the earl must have accelerated this last step, yet his deprivation appears to have been carried into execution without any open rupture. Indeed, James seems to have been anxious that the blow should not fall too heavily; and with this object the formidable noble was invested almost immediately after with the office of Warden of the west and middle marches of Scotland. At the same time, an entail was executed, by which the earldoms of Douglas and Wigtown were settled upon him and his descendants.[1]

It was at this crisis of the struggle between the legitimate prerogative of the Scottish sovereign and his ministers and the overgrown authority of the house of Douglas that the Duke of York and his party in England availed themselves of the popular discontents, occasioned by the loss of the French provinces, to dispossess the Duke of Somerset and the queen from the chief management of the state, and to acquire the principal control over the government. In consequence of this revolution, a decided change is apparent in the conduct of England towards the sister country, from the principles of a wise and pacific policy to those of an unsettled, ambitious, and sometimes decidedly hostile character. The first appearance of this is discernible in the negotiations regarding the truce which took place at Durham on the 4th of August 1451, where the amicable correspondence between the two countries was interrupted by a protest regarding the idle and antiquated claim of homage. Fortunately, however, this did not prevent the treaty of truce from being brought to a conclusion.[2]

In the meantime, Douglas returned to his principality in Annandale, and in the exercise of his authority of warden commenced anew that series of tyrannical measures which had already brought upon him the indignation of the government. Herries of Terregles, a gentleman of ancient family, having attempted to defend himself by arms from the violence of his partisans, and to recover from them the property of which he had been plundered, was taken prisoner, and dragged before the earl, who, in contempt of an express mandate of the king, solemnly delivered by a herald, ordered him to be instantly hanged. Soon after this, another audacious transaction occurred, in the murder of Sir John Sandilands of Calder, a kinsman of James, by Sir Patrick Thornton, a dependant of the house of Douglas, along with whom were slain two knights, Sir James and Sir Allan Stewart, both of whom enjoyed the regard and intimacy of the sovereign.[3]

It appears to have been about this time that, either from the circumstance of its having been more openly renewed or less carefully concealed, the treasonable league between Douglas and the Earls of Ross and Crawford was discovered by James, who justly trembled at the formidable and extensive power which he found arrayed against the government. On the side of England, however, he was secure, owing to the recent renewal of the truce; upon the friendship of France he could calculate with equal certainty; but as it was impossible at once to destroy a conspiracy which was backed by a force equal to almost one-half of the armed population of Scotland, the king was compelled to temporise, and await a season when his own power should be more confirmed, and that of Douglas weakened, by the jealousies and dissensions which, after some time, might be expected to break out in a confederacy, embracing so many men of fierce, capricious, and selfish habits. Douglas, however, who had already irritated and insulted the monarch, by the

[1] Mag. Sig. iv. 222. July 7, 1451.
[2] Rymer, vol. xi. pp. 291, 302.
[3] Auchinleck Chronicle, p. 45. Sir J. Balfour's Annals, vol. i. p. 180.

murder of Herries and Sandilands, seemed determined not to imitate the calmness and moderation of the government; and, whilst the king's chief minister, the chancellor Crichton, was proceeding with his retinue through the southern suburb of Edinburgh, with the intention of embarking on board a vessel in the Forth, the party was suddenly attacked by an armed band of ruffians hired for the purpose by the earl. Contrary, indeed, to the hopes of this lawless baron, the old chancellor defended himself with much bravery; and, after being wounded, escaped to Crichton castle, where, with a spirit which forgot the sense of pain in the desire of revenge, he instantly collected his vassals, and making an unexpected attack upon Douglas, expelled him and his adherents from the city.[1]

It affords a melancholy picture of the times that this outrageous attack, committed upon the person of the chancellor and chief minister in the kingdom, was suffered to pass unpunished and even unnoticed by the law, and that he who had openly defied the royal authority, and trampled upon the regulations so recently passed in the parliament, was not long after employed in some political negotiations with England, in which there seems strong reason to believe he acted a part inimical to the existing government. The explanation of this must be looked for in the fact that, although partially aware of his treason, and determined to leave nothing unattempted to undermine and destroy his power, James was conscious that Douglas was still too strong for him, and dreaded to drive him into a rebellion which might have threatened the security of his throne. It was easy for him, on the other hand, silently to defeat his treachery by conjoining with him in the diplomatic or judicial situations in which he was employed those tried councillors upon whom he could implicitly rely; and, in the meantime, he employed the interval in concentrating that power by means of which he trusted to overwhelm him. An extraordinary outrage of the earl, however, accelerated the royal vengeance.

In the execution of the negotiation intrusted to him, Douglas had continued his correspondence with the party of the Yorkists in England, who still possessed a great influence in the state, although sometimes overruled by the opposite faction of Somerset and the queen. It seems to have been in consequence of such malign influence that a letter was directed at this time by Henry the Sixth to the Scottish government, refusing to deliver up certain French ambassadors, who, on their voyage to Scotland, had been captured by the English;[2] and this step, which almost amounted to a declaration of hostility, was intended to be followed by a rising in Scotland, to be conducted by Douglas. On his return, therefore, to that country, the earl repaired to his estates; and, in furtherance of his league with the Earls of Ross and Crawford, summoned the whole body of his vassals to assemble their armed retainers, and join in the treasonable association. One of these, however, a gentleman of spirit and independence, named Maclellan, tutor of Bomby, a sister's son to Sir Patrick Gray, captain of the king's guard, refused to obey an order which he rightly stigmatised as an act of open rebellion, and was in consequence seized by the earl and cast into prison. The speedy and mortal punishment with which Douglas was accustomed to visit such offences rendered the arrest of Maclellan a subject of immediate alarm at court; and as he was beloved by the young king, and the near kinsman of one of his confidential servants, James despatched an order, under the royal seal, commanding the immediate release of the prisoner; which, to prevent all mistake, he sent by the hands of Sir Patrick Gray. This baron accordingly rode post to Douglas castle, and was received by its haughty lord with affected courtesy and humility. Well aware, however, of Gray's near relationship to his prisoner, he at once

[1] Hawthornden, Hist. folio ed. p. 28.

[2] Rymer, Fœdera, xi. p. 306.

suspected the object of his errand; and, being determined to defeat it, gave private orders for the instant execution of Maclellan. He then returned to Gray, and requested him to remain and share his hospitality. "You found me," said he, "just about to sit down to dinner; if it pleases you, we shall first conclude our repast, and then peruse the letter with which I am honoured by my sovereign." Having concluded the meal, Douglas rose from the table, broke the royal seal, and glancing over the contents of the paper, assumed a look of much concern. "Sorry am I," said he, "that it is not in my power to give obedience to the commands of my dread sovereign, much as I am beholden to him for so gracious a letter to one whom he has been pleased of late to regard with somewhat altered favour; but such redress as I can afford thou shalt have speedily." Douglas then took Gray by the hand, and led him to the castle green, where the bleeding trunk of his poor friend lay beside the block upon which he had been recently beheaded. "Yonder, Sir Patrick," said he, "lies your sister's son—unfortunately he wants the head—but you are welcome to do with his body what you please." It may well be imagined how deep was the impression made by this cold and savage jest upon the mind of Gray; but he was in the den of the tyrant, and a single incautious word might have stretched him beside his murdered kinsman. Dissembling therefore his grief and indignation, he only replied that, since he had taken the head, the body was of little avail; and calling for his horse, mounted him, with a heavy heart, and rode across the drawbridge, to which the earl accompanied him. Once more, however, without the walls, and secure of his life, he reined up, and shaking his mailed glove, defied Douglas as a coward, and a disgrace to knighthood, whom, if he lived, he would requite according to his merits, and lay as low as the poor gentleman he had destroyed. Yet even this ebullition of natural indignation had nearly cost him dear; for the earl, braved in his own castle, gave orders for an instant pursuit, and the chase was continued almost to Edinburgh, Gray only escaping by the uncommon fleetness of his horse.[1]

An action like this was fitted to rouse to the highest pitch the indignation of the sovereign, and the reprehension of every lover of freedom and good order. It manifested an utter contempt for the royal authority, a defiance of the laws, and a cruel exultation in the exercise of power. It had occurred, too, at a moment when an attempt had been made by the statutes lately passed in parliament to put down the insolence of aristocratic tyranny, and was of the most dangerous example. It was evident to the sovereign that some instantaneous step must be taken to reduce an overgrown power which threatened to plunge the country into civil war, and that the time was come when it was to be shewn whether he or the Earl of Douglas should henceforth rule in Scotland. But James, who had become aware of the league with Ross and Crawford, and of the overwhelming force which Douglas was ready to bring into the field, wisely hesitated before he adopted that course to which his determined temper inclined him; with the advice of Crichton and his most prudent counsellors, he determined rather to enter into a personal negotiation with Douglas, and to attempt to convince him of the folly of his ambition, in defying the authority of the crown, and affecting the state and jurisdiction of an independent prince. He had hopes that, in this manner, he might prevail upon the earl to plead guilty to the offences which he had committed; to accept the pardon which was ready to be tendered to him, upon his indemnifying the relations of those he had so cruelly injured; and to take that upright share in the government to which he was entitled by his high rank, his great estates, and his important official situation.

In furtherance of this design, and

[1] Pitscottie, pp. 62-64.

suppressing his indignation at his late conduct, by considerations of political expediency, James despatched Sir William Lauder of Hatton, who had attended Douglas in his pilgrimage to Rome, with a message to him, expressive of the desire of the king to enter into a personal conference, promising absolute security for his person, and declaring that, upon an expression of regret for his misdemeanours, the offended majesty of the law might be appeased, and the pardon of the sovereign extended in his favour. It is impossible, in the imperfect historical evidence which remains of these dark and mysterious transactions, to discover whether this conduct and these promises of the king were perfectly sincere or otherwise.

It is asserted in a contemporary chronicle that the nobles who were then about the person of the monarch, meaning the privy councillors and officers of his household, put their names and seals to a letter of safe-conduct, which bore the royal signature, and to which the privy seal was attached.[1] It is added by the same writer that many of the nobles had transmitted a written obligation to the earl, by which they bound themselves, even if the king should shew an inclination to break his promise, that they, to the utmost of their power, would compel him to observe it; and there seems no reason to doubt the accuracy of this account.[2] But, in the lax morality of the times, the most solemn obligations were often little regarded; and there were many crafty casuists around the king ready to persuade him that, with a traitor, who, by repeated acts of rebellion, had thrown himself without the pale of the laws, no faith ought to be kept; that, to seize such an offender, every method was fair, and even fraud praiseworthy; and that, having once obtained possession of his person, it would be illegal to release him till he had been declared innocent of the crimes of which he was accused by the verdict of a jury. That this was probably the full extent to which James had carried his intentions in entrapping Douglas is to be inferred from the circumstances in which he was placed, and the partial light of contemporary records. That he meditated the dreadful and unjustifiable vengeance in which the interview concluded, cannot be supposed by any one who considers for a moment the character of the king, the statesmen by whose advice he was directed, or the dangerous crisis at which the meeting took place.

But to whatever extent the sovereign had carried his design, Douglas, believing himself secure under the royal protection and the oaths of the nobility, came with a small retinue to Stirling in company with Sir William Lauder of Hatton;[3] and having first taken up his residence in the town, soon after passed to the castle, where he was received by the king with much apparent cordiality, and invited to return on the morrow to dine at the royal table. He accordingly obeyed; and on the following day not only dined, but supped with the king; whilst nothing appeared to have disturbed in the slightest degree the harmony of their intercourse. After supper, however, which we learn from the contemporary chronicle was at seven in the evening, the monarch, apparently anxious to have some private conversation with the earl, took him aside from the crowd of courtiers by whom they were surrounded into an inner chamber, where there were none present but the captain of his body-guard, Sir Patrick Gray, whom he had lately so cruelly injured, Sir William Crichton, Lord Gray, Sir Simon Glendonane, and a few more of his most intimate counsellors.[4] James, then walking apart with Douglas, with as much calmness and command of temper as he could assume, began to remonstrate upon his late violent and illegal proceedings. In doing so, it was impossible he should not speak of the execution of Herries, the waylaying of Sandilands, and the late atrocious murder of the tutor of

[1] Auchinleck Chronicle, p. 46.

[2] MS. Chronicle in the Library of the University of Edinburgh, A.C. c. 26.

[3] Auchinleck Chronicle, p. 46.

[4] Ibid. p. 47.

Bomby. The sovereign next informed him that he had certain intelligence of the treasonable league which he had formed with the Earls of Ross and Crawford: he explained to him that his very admission that such a confederacy existed made him obnoxious to the punishment of a rebel, and threw him out of the protection of the laws; and he conjured him, as he loved his country, and valued his own safety and welfare, to break the band which bound him to such traitors, and return, as it became a dutiful subject, to his allegiance.[1] But Douglas, unaccustomed to such remonstrances, and perhaps heated by the recent entertainment, listened with impatience and replied with haughty insolence. He even broke into reproaches; upbraided James with his being deprived of his office of lieutenant-governor of the kingdom; and after a torrent of passionate abuse against the councillors who had insinuated themselves into the royal confidence, declared that he little regarded the name of treason with which his proceedings had been branded; that as for his confederacy with Ross and Crawford, he had it not in his power to dissolve it; and if he had, he would be sorry to break with his best friends to gratify the idle caprices of his sovereign. Hitherto the king had listened with patience, which was the more remarkable, as he was naturally fiery and impetuous in his temper; but this rude defiance—uttered to his face by one whom he regarded as an open enemy; who had treated his royal mandate with contempt; under whose nails, to use a strong expression of the times, the blood of his best friends were scarce dry—entirely overcame his self-command. He broke at once from a state of quiescence into an ungovernable fury, drew his dagger, and exclaiming, "False traitor, if thou wilt not break the band, this shall!" he stabbed him first in the throat, and instantly after in the lower part of the body. Upon this, Sir Patrick Gray, with a readiness and good-will which was whetted by revenge, at one blow felled him with his pole-axe; and the rest of the nobles who stood near the king, rushing in upon the dying man, meanly gratified their resentment by repeated strokes with their knives and daggers; so that he expired in a moment without uttering a word, and covered with twenty-six wounds. The window was then thrown open, and the mangled trunk cast into an open court adjoining the royal apartments.[2]

For a murder so atrocious, committed by the hand of the sovereign, and upon the person of a subject for whose safety he had solemnly pledged his royal word, no justification can be pleaded. It offered to the country, at a time when it was important to afford a specimen of respect for the laws, and reverence for the authority of parliament, an example the most pernicious that can be conceived, exhibiting the sovereign in the disgraceful attitude of trampling upon the rules which it was his duty to respect, and committing with his own hand the crimes for which he had arraigned his subjects. But if James must be condemned, it is impossible to feel much commiseration for Douglas, whose career, from first to last, had been that of a selfish, ambitious, and cruel tyrant; who, at the moment when he was cut off, was all but a convicted traitor; and whose death, if we except the mode by which it was brought about, was to be regarded as a public benefit. These considerations, however, were solely entertained by the friends of peace and good order: by the immediate relatives, and the wide circle of the retainers and vassals of the earl, his assassination was regarded with feelings of bitter and unmingled indignation.

Immediately after the death of his powerful enemy, the king, at the head of an armed force, proceeded to Perth in pursuit of the Earl of Crawford, another party, as we have seen, in the league which had cost his associate so dear. In his absence, the faction of

[1] MS. Chronicle in the University Library, Edinburgh. Hawthornden's History, folio edition, p. 29.

[2] Gray's MS. Advocates' Library. Auchinleck Chronicle, p. 47. MS. Chronicle in the University Library, Edinburgh.

Douglas, led by Sir James Douglas, the brother of the murdered chief, who succeeded to the earldom, along with Hugh, earl of Ormond, Lord Hamilton, and six hundred barons and gentlemen, followers and supporters of the family, invaded the town of Stirling, and in the first ebullition of their fury and contempt, according to an ancient custom of defiance, blew out upon the king twenty-four horns at once.[1] They then took the letter of assurance, subscribed by the names and guaranteed by the seals of the Scottish nobles, and, exhibiting it at the Cross, proceeded to nail it, with many "slanderous words," to a board, which they tied to the tail of a sorry horse, and thus dragged it, amid the hooting and execration of their followers, through the streets. The scene of feudal defiance was concluded by their setting fire to the town, and carrying off a great booty.[2]

In the meantime the king proceeded to enrich and reward his servants, by the forfeiture of the lands of those who had shared in the treason of Douglas. He promoted to the office of lieutenant-general of the kingdom the Earl of Huntly, committing to his assured loyalty and experience in war the task of putting down the rebellion of Crawford and Ross; and empowering him to promise to all who came forward to join the royal standard an ample indemnity for past offences, as well as to those who continued firm in their original loyalty the most substantial marks of the favour of the crown. Huntly, in the execution of his new office, instantly raised a large force in the northern counties; and having displayed the royal banner, encountered the Earl of Crawford, surnamed "The Tiger," on a level moor beside the town of Brechin, and gave him a total defeat. The action was fought with determined bravery on both sides, and, although Huntly far outnumbered his opponents, for a long time proved doubtful; but, during the warmest part of the struggle, Colessie of Balnamoon, now called Bonnymoon, who commanded the left wing of the Angus billmen, went over to the enemy, in consequence of some disgust he had conceived the night before in a conference with Crawford; and the effect of his sudden desertion was fatal to his party. His troops, dismayed at this unexpected calamity, and regardless of the furious and almost insane efforts which he made to restore the day, took to flight in all directions. John Lindsay of Brechin, brother to the Tiger, Dundas of Dundas, with sixty other lords and gentlemen, were slain upon the field. On the other side, the loss did not exceed five barons and a small number of yeomen; but amongst the slain, Huntly had to mourn his two brothers, Sir William and Sir Henry Seton.[3] During the confusion and flight of Crawford's army, a yeoman of the opposite side, riding eagerly in pursuit, became involved in the crowd, and, fearful of discovery, allowed himself to be hurried along to Finhaven Castle, to which the discomfited baron retreated. Here, amid the tumult and riot consequent upon a defeat, he is said to have overheard with horror the torrent of abuse and blasphemy which burst from the lips of the bearded savage, who, calling for a cup of wine on alighting from his horse, and cursing in the bitterness of his heart the traitor who had betrayed him, declared that he would willingly take seven years' roasting in hell to have the honour of such a victory as had that day fallen to Huntly.[4]

In the meantime, although the king was thus victorious in the north, the civil war, which was kindled in almost every part of Scotland, by the murder of Douglas, raged with pitiless and unabated fury. The Earl of Angus, although bearing the name of Douglas, had refused to join in the late rebellion, in consequence of which his castle of Dalkeith, a place of great strength, was instantly beleaguered by the enemy, who ravaged and burnt the adja-

[1] Auchinleck Chronicle, p. 47. MS. Chronicle in the University Library, Edinburgh.
[2] Auchinleck Chronicle, p. 47.
[3] Auchinleck Chronicle, p. 48. Lesley's Hist. p. 23.
[4] Hawthornden's Hist. p. 31.

cent town, and bound themselves by a great oath not to leave the siege till they had razed it to the ground. The bravery, however, of Patrick Cockburn, the governor, soon compelled them to forego their resolution, and to divert the fury which had been concentrated against Dalkeith upon the villages and granges of the adjacent country. The roads and highways became utterly insecure, the labours of agriculture were intermitted, the pursuits of trade and commerce destroyed or feebly followed, from the terror occasioned by the troops of armed banditti who overspread the country, and nothing but insolent riot and needy boldness was prosperous in the land. In the north, whilst Huntly was engaged with Crawford, the Earl of Moray, brother of the late Earl of Douglas, invaded and wasted his estates in Strathbogie. Huntly, on the other hand, victorious at Brechin, fell, with a vengeance whetted by private as well as public wrongs, upon the fertile county of Moray, and completely razed to the ground that half of the city of Elgin which belonged to his enemy; whilst Crawford, infuriated, but little weakened, by his loss at Brechin, attacked in detail, and "*harried*"[1] the lands of all those to whose refusal to join his banner he ascribed his defeat, expelling them from their towers and fortalices, giving the empty habitations to the flames, and carrying themselves and their families into captivity.

In addition to the miseries of open war were added the dangers of domestic treason. James, the ninth earl of Douglas, through the agency of his mother, Lady Beatrix, who at this time repaired to England, continued that secret correspondence with the party of the Yorkists, which appears to have been begun by the late earl.[2] Soon after this, in the extremity of his resentment against the murderer of his brother, he agreed to meet the Bishop of Carlisle, with the Earl of Salisbury and Henry Percy, as commissioners from the English government, then entirely under the management of the Yorkists, and not only to enter into a treaty of mutual alliance and support, but to swear homage to the monarch of England, as his lawful sovereign. Such a miserable state of things calling loudly for redress, the king summoned the three estates to assemble at Edinburgh, on the 12th of June 1453. During the night, however, previous to the meeting a placard, signed with the names of James, earl of Douglas, his three brothers, and Lord Hamilton, their near connexion, was fixed to the door of the house of parliament, renouncing their allegiance to James of Scotland, as a perjured prince and merciless murderer, who had trampled on the laws, broken his word and oath, and violated the most sacred bond of hospitality; declaring that henceforth they held no lands from him, and never would give obedience to any mandate which bore the name and style which he had disgraced and dishonoured.[3] It may be easily imagined that a defiance of this gross nature was calculated to exasperate the bitterness of feudal resentment; and, from the mutilated records which remain to us of the proceedings of this parliament, the leaders and followers of the house of Douglas appear to have been treated with deserved severity.

It was first of all declared in a solemn deed, which met with the unanimous approval of the parliament, that the late Earl of Douglas having, at the time of his death, avowed himself an enemy to the king, and acknowledged a treasonable league as then existing between him and the Earls of Crawford and Ross, was in a state of open rebellion, and that in such circumstances it was lawful for the king to put him summarily to death.[4] Sir James Crichton, the eldest son of the lord chancellor, was created Earl of Moray, in the place of Archibald Douglas, late Earl of Moray, who was forfeited. Others of the loyal barons, who had come forward at this

[1] Harried—Wasted with fire, sword, and plunder.

[2] Lesley's Hist. pp. 23, 24. Rymer, vol. xi. p. 310.

[3] Auchinleck Chronicle, p. 48.

[4] Acts of the Parliament of Scotland, vol. ii. p. 73.

dangerous crisis in support of the crown, were rewarded with lands and dignities. Lord Hay, constable of Scotland, and head of an ancient house, whose bravery and attachment to the crown had been transmitted through a long line of ancestry, was created Earl of Errol. Sir George Crichton of Cairnes was rewarded with the earldom of Caithness, and the Baron of Darnley, Hepburn of Hailes, Boyd, Fleming, Borthwick, Lyle, and Cathcart, were invested with the dignity of lords of parliament. Lands partly belonging to the crown, partly consisting of estates which had been forfeited by the Douglases and their adherents, were bestowed upon Lord Campbell, and his son Sir Colin Campbell, Sir David Hume, Sir Alexander Home, Sir James Keir, and others; but as the appropriation of these estates was an act of the secret council, carried through without the sanction and during the sitting of parliament, it was believed to be unconstitutional, and liable to legal challenge.[1] In the meantime, however, these events, combined with the increasing energy and ability of the sovereign, and the joyful occurrence of the birth of a prince, afterwards James the Third,[2] had the effect of weakening the once formidable power of Douglas. The loss of its chief, the defeat of Crawford, the forfeiture of Moray, the sight of those strong and powerful vassals, who, either from the love of their prince, or the hope of the rewards which were profusely distributed, flocked daily to court with their troops of armed retainers, all combined to render the allies of this rebellious house not a little doubtful of the ultimate success of the struggle in which they were engaged; and when, immediately after the conclusion of the parliament, the royal summonses were issued for the assembling of an army on the moor of Pentland, near Edinburgh, the monarch in a short time found himself at the head of a force of thirty thousand men, excellently armed and equipped, and animated by one sentiment of loyalty and affection.[3]

With this army, the king proceeded in person against the Earl of Douglas, directing his march through the districts of Peeblesshire, Selkirk forest, Dumfries, and Galloway, in which quarters lay the principal estates of this great rebel, who did not dare to make any resistance against the invasion. To prevent the destruction of the crops, which, as it was now the middle of autumn, were almost fully ripe, was impossible; and an ancient chronicle complains that the royal army "destroyit the country right fellounly, baith in cornes, meadows, and victuals;" whilst many barons and gentlemen, who held lands under the Douglases, but dreading the vengeance of the sovereign, had joined the expedition, endured the mortification of seeing their own estates utterly ravaged and laid waste, by the friends whose power they had increased, and whose protection they anticipated.[4] Notwithstanding these misfortunes, which it is probable the sovereign, by the utmost exertion of his prerogative, could not prevent, the army continued united and attached to the royal cause, so that, on its appearance before the castle of Douglas, that haughty chief, who had lately renounced his allegiance, and who still maintained a secret correspondence with England, found himself compelled to lay down his arms, and to implore, with expressions of deep contrition, that he might be once more restored to favour. The consequence of this was a negotiation, in which James, conscious, perhaps, of the provocation he had given, and anxious to restore tranquillity to his dominions, consented to pardon the Earl of Douglas and his adherents, upon certain conditions, which are enumerated in a written bond, or "appointment," as it is denominated, the original of which is still preserved.

In this interesting document, James, earl of Douglas, in the first place, engaged to abstain from every attempt to possess himself of the lands of the

[1] Auchinleck Chronicle, p. 49.
[2] Born June 1, 1452.
[3] Auchinleck Chronicle, p. 49.
[4] Ibid.

earldom of Wigtown or of the lordship of Stewarton, forfeited by the last earl, and presented by the sovereign to his consort the queen. He next promised in his own name and in that of his brother, as well as the Lord Hamilton, fully and for ever to forgive all manner of rancour of heart, feud, malice, and envy, which they had entertained in time past, or might conceive in time to come, against any of the king's subjects, and more especially against all those who were art and part in the slaughter of the late William, earl of Douglas; and he stipulated, for himself and his friends, to obey the wishes of his sovereign, by taking such persons once more heartily into his friendship. The next provision did honour to the humanity of the king, and evinced an enlightened anxiety for the welfare of the lower classes of his people. By it, the earl obliged himself that the whole body of his tenants and rentallers, wherever they might be settled upon his estates, should remain unmolested in their farms, and protected by their tacks or leases till "Whitsunday come a year;" except those tenants that occupied the granges and farm "steadings," which were in the hands of the late earl at the time of his decease, for his own proper use. Even these, however, were not to be immediately dispossessed, but permitted to remain upon their farms till the ensuing Whitsunday, so that the corns should be duly gathered in, and neither the proprietor nor the cultivator endamaged by the sudden desertion of the ground. Douglas next engaged to dissolve all illegal bands or confederations into which he had already entered, and to make no more treasonable agreements in time to come: he promised to bring no claim against the king for any rents which he might have levied, or which the queen might have distrained in Douglasdale or Galloway, previous to this agreement: he bound himself, in the execution of his office of warden, to maintain and defend the Borders, and keep the truce between the kingdoms to the best of his skill and power, and to pay to his sovereign lord, the king, all honour and worship, "he having such surety as was reasonable for safety of his life." Lastly, he engaged to restore all goods which had been seized from persons who enjoyed letters of protection, and to make compensation for all injuries which they had sustained; and to this agreement he not only put his own hand and seal, but, for the greater solemnity, took his oath upon the holy gospels.[1]

That the king was led by sound policy in his desire to convert the Earl of Douglas from a dangerous opponent of the government into a peaceable subject cannot be doubted. But although the principle was good, the measures adopted for the accomplishment of the end in view were injudicious. Instead of effectually abridging the vast power of Douglas, leaving him just so much as should prevent him from being driven to despair, James, either following his own opinion or misled by the advice of Crichton and Kennedy, who at this time acted as his chief counsellors, not only promised to put him into possession of the earldom of Wigtown and the lands of Stewarton, but engaged in a negotiation with the court of Rome, the object of which was to prevail upon the Pope to grant a dispensation for the marriage of the earl with the Countess Margaret, the youthful widow of his deceased brother. The dispensation having accordingly been procured, the marriage took place, although the unnatural alliance was forced upon the heiress of Galloway contrary to her earnest tears and entreaties.[2] It is difficult to understand, from the imperfect records of those times, how such sagacious politicians as Crichton and Kennedy should have given their countenance to a measure so pregnant with mischief. It again united in the person of the Earl of Douglas the immense entailed and unentailed estates of the family; and, should he have children,

[1] MS. Collections, called Sir Lewis Stewart's Collections. Advocates' Library, Edin. a 4, 7, p. 19. It is dated 28th August 1452. See Illustrations, M.

[2] Andrew Stuart's Hist. p. 444.

it revived the disputed claims between the descendants of Euphemia Ross and Elizabeth More, holding out an inducement to that ambitious noble to re-enact his brother's treason.[1] There is reason to believe, indeed, that perhaps at the very moment when Douglas was thus experiencing the distinguished favour of his sovereign, and undoubtedly within a very short period thereafter, he had engaged in a secret treasonable correspondence with Malise, earl of Menteith, then a prisoner in Pontefract castle, and the English ministers. Its object was to overturn the existing government in Scotland, and to put an end to the dynasty then on the throne, by means of a civil insurrection, which was to be seconded by the arms and money of the Yorkists, whilst the confidence with which he was treated enabled him to mature his designs in the sunshine of the royal favour.[2]

In the meantime, the king, apparently unsuspicious of any such intentions, undertook an expedition to the north, accompanied by his privy council and a select body of troops, consisting, in all probability, of that personal guard which, in imitation of the French monarchs, appears for the first time during this reign in Scotland. The Earl of Huntly, by his zeal and activity in the execution of his office of lieutenant-general, had succeeded in restoring the northern counties to a state of quiet and security; and in the progress through Angus a singular scene took place. The Earl of Crawford, lately notorious for his violent and rebellious career, and the dread of Scotland under his appellation of "the Tiger," suddenly presented himself befor the royal procession, clothed in beggarly apparel, his feet and head bare, and followed by a few miserable-looking servants in the same ragged weeds. In this dejected state he threw himself on his knees before the king, and with many tears implored his forgiveness for his repeated treasons. Huntly, with whom he had already made his peace, along with Crichton and Kennedy, by whose advice this pageant of feudal contrition had been prepared, now interceded on his behalf; and the king, moved by the penitence, not only of the principal offender, but of the miserable troop by whom he was accompanied, extended his hand to Crawford. He assured him that he was more anxious to gain the hearts than the lands of his nobles, although by repeated treasons their estates had been forfeited to the crown, and bade him and his companions be of good cheer, as he was ready freely to forgive them all that had passed, and to trust that their future loyalty would atone for their former rebellion. The fierce chief was accordingly restored to his honours and estates; and the king appears to have had no reason to repent his clemency, for Crawford, at the head of a strong body of the barons and gentlemen of Angus, accompanied the monarch in his future progress.[3] On his return, he entertained him with great magnificence at his castle of Finhaven; and from this time till the period of his death remained a faithful supporter of the government. It was unfortunate, indeed, that a fever, which cut him off six months after his restoration to the royal favour, left him only this brief interval of loyalty to atone for a life of rebellion.[4]

It is pleasing to be compelled for a few moments to intermit the narrative of domestic war and civil confusion by the occurrence of events which indicate a desire at least to soften the ferocity of feudal manners by the introduction of schools of learning. In the month of January 1450, Pope Nicholas, at the request of William Turnbull, bishop of Glasgow, granted his rescript for the foundation of a university in that city; and in the month of June in the subsequent year the Papal bull was proclaimed at the Cross with great solemnity. Yet at first the infant university was spar-

[1] Duncan Stewart's Hist. and Geneal. Account of the Royal Family of Scotland, p. 57.
[2] Rotuli Scotiæ, vol. ii. p. 368. 17th June 1453.
[3] Buchanan, book xi. chap. 42. Lesley's Hist. p. 27.
[4] Auchinleck MS. p. 51.

ingly endowed; and such was the iniquity of the times and the unfavourable disposition towards learning, that so late as the year 1521, we are informed by Mair in his History of Scotland, it was attended by a very small number of students.[1]

The transactions which occupied the years immediately succeeding the death of the Earl of Crawford are involved in an obscurity which is the more to be lamented as their consequences were highly important, and ultimately led to the total destruction of the house of Douglas. The only contemporary chronicle which remains is unfortunately too brief to afford us any satisfactory insight into the great springs of a rebellion which shook the security of the throne; and the light reflected on those dark times by the few original records which remain is so feeble and uncertain that it operates rather as a distraction than an assistance to the historian. In such circumstances, abstaining from theory and conjecture, the greater outlines are all that it is possible to trace.

During the year 1454, the Earl of Douglas entered deeply into a treasonable correspondence with the powerful party of the Yorkists in England, who, at this time having succeeded in undermining the influence of the Duke of Somerset, had obtained the supreme management of the state.[2] The great principles which regulated the foreign policy of the party of York were enmity to France, and consequently to Scotland, the ancient ally of that kingdom; and this naturally led to a secret negotiation with the Earl of Douglas. His ambition, his power, his former rebellion, his injuries and grievances were all intimately known at the English court; and it was not difficult for a skilful intriguer like the Duke of York, by addressing to him such arguments as were best adapted to his design, to inflame his mind with the prospect of supreme authority, and rouse his passions with the hope of revenge. Douglas, however, had miscalculated the strength of the king, which was far greater than he supposed; and he had reckoned too certainly on the support of some powerful fellow-conspirators, who, bound to him, not by the ties of affection, but of interest, fell off the moment they obtained a clear view of the desperate nature of the enterprise in which he was engaged.

In the midst of these threatened dangers, and in the end of the year 1454, Lord Crichton, late chancellor of the kingdom, and a statesman of veteran experience, died at the castle of Dunbar. If we except his early struggles with his rival Livingston for the custody of the person of the infant king, his life, compared with that of most of his fellow-nobles, was one of upright and consistent loyalty; and since his coalition with Kennedy he had so endeared himself to his sovereign that the most intimate of the royal counsellors dreaded to impart to him an event which they knew would so deeply affect him.[3]

In the meantime Douglas despatched Lord Hamilton into England, where, in a meeting with the Yorkists, an immediate supply of money and of troops was promised,[4] upon the condition that the conspirators should give a pledge of the sincerity of their intentions, by taking the oath of homage to the English crown—a piece of treachery to which Hamilton would not consent, although there is reason to believe it met with few scruples in the convenient conscience of Douglas. Before, however, this test had been taken, the royal vengeance burst upon the principal conspirator with a violence and a rapidity for which he appears to have been little prepared. James, at the head of a force which defied all resistance, attacked and stormed his castle of Inveravon, and after having razed it to the ground pressed forward without a check to Glasgow, where he collected the whole strength of the

[1] Major, De Gestis Scotorum, p. 19. Auchinleck Chronicle, p. 45.

[2] Rymer, vol. xi. p. 349. Acts of the Parliament of Scotland, vol. ii. pp. 75, 76. Processus Forisfacture Jacobi Douglas, olim Comitis de Douglas. Carte's Hist. of England, vol. ii. p. 745.

[3] Auchinleck Chronicle, p. 52.

[4] Ibid. p. 53.

western counties, and a large force of the Highlanders and Islesmen. With this army he marched to Lanark, invaded Douglasdale and Avondale, which he wasted with all the fury of military execution, and after delivering up to fire and sword the estates belonging to Lord Hamilton, passed on to Edinburgh; from thence, without delay, at the head of a new force, chiefly of Lowlanders, he invaded the forests of Selkirk and Ettrick, and compelled all the barons and landed gentlemen of whom he entertained any suspicion to renew their allegiance, and join the royal banner, under the penalty of having their castles levelled with the ground and their estates depopulated.[1] He next besieged the castle of Abercorn, which, from the great strength of its walls, and the facilities for defence afforded by its situation, defied for a month the utmost attempts of the royal army.[2] Battered and broken up at last by the force of the machines which were brought to bear upon the towers, and exposed to the shot of a gun of large size, which was charged and directed by a French engineer, the place was taken by escalade, and the principal persons who had conducted the defence instantly hanged. The walls were then dismantled, and the rest of the garrison dismissed with their lives. During the siege a desperate but ineffectual attempt to disperse the royal army was made by Douglas, who concentrated his forces at Lanark,[3] and along with his kinsman, Lord Hamilton, advanced to the neighbourhood of Abercorn, where, however, such was the terror of the royal name, and the success of the secret negotiation of Bishop Kennedy with the leaders in the rebel army, that in one night they deserted the banner of their chief, and left him a solitary fugitive, exposed to the unmitigated rigour of the regal vengeance. Hamilton, whose treachery to Douglas had principally occasioned this calamity, was immediately committed to close confinement, whilst the great earl himself, hurled in a moment from the pinnacle of pride and power to a state of terror and destitution, fled from his late encampment under cover of night, and for some time so effectually eluded pursuit that none knew in what part of Scotland he was concealed.[4]

In the meantime the success of the king was attended with the happiest effects throughout the country, not only in affording encouragement to the friends of peace and order, who dreaded the re-establishment of a power in the house of Douglas which repeated experience had shewn to be incompatible with the security of the realm, but in bringing over to the royal party those fierce feudal barons who, either from fear or the love of change and of plunder, had entered into bands with the house of Douglas, and now found it their interest to desert a falling cause. In consequence of this change the castles which in the commencement of the rebellion had been filled with military stores, and fortified against the government, were gradually given up, and taken possession of by the friends of the crown. Douglas castle, with the strong fortresses of Thrieve in Galloway, Strathaven, Lochendorb, and Tarnaway, fell successively into the hands of the king; and the Earl of Douglas having once more reappeared in Annandale at the head of a tumultuous assemblage of outlaws, who had been drawn together by the exertions of his brothers, the Earls of Moray and Ormond, was encountered at Arkinholme,[5] and totally defeated by the king's troops, under the command of the Earl of Angus. The battle was fought by Douglas with that desperate courage which arose out of the conviction that it must be amongst his last struggles for existence; but the powerful and warlike Border families, the Maxwells, Scotts, and Johnstons, inured to daily conflict, had joined the standard of

[1] Auchinleck Chronicle, pp. 53, 54.

[2] Original letter from James the Second to Charles the Seventh of France. Pinkerton's Hist. vol. i. p. 486.

[3] Acts of the Parliament of Scotland, vol. ii. p. 76.

[4] Auchinleck Chronicle, pp. 53, 54.

[5] Arkinholme, on the River Esk, opposite Wauchop Kirk.

the king, and the undisciplined rabble which composed the rebel army were unable to stand against them.[1] Ormond was taken prisoner and instantly executed; his brother, the Earl of Moray, fell in the action, and after a total dispersion of his army, the arch-rebel, along with his only remaining brother, Sir John Douglas of Balveny, made his escape into the wilds of Argyleshire, where he was received by the Earl of Ross, the only friend who now remained to him of all the great connexions upon whose assistance he had so confidently reckoned in his enterprise against his sovereign. These important events took place during the continuance of the siege of Abercorn, and the first intimation of them received by the king was the arrival of a soldier from the field of Arkinholme, who laid the bleeding and mangled head of the Earl of Moray at the feet of his prince. "The king," says an ancient chronicle, "commended the bravery of the man who brought him this ghastly present, although he knew not at the first look to whom the head belonged."[2]

Having brought his affairs to this successful conclusion, James assembled his parliament at Edinburgh on the 9th of June 1455, and proceeded to let loose the offended vengeance of the laws against the rebels who had appeared in arms against the government. James, late earl of Douglas, having failed to appear and answer to the charges brought against him, after having been duly summoned at his castles of Douglas and Strathaven, was declared a traitor; his mother, Beatrix, countess of Douglas, in consequence of the support and assistance lent by her to the cause of her son, his brother Archibald, late earl of Moray, who had fallen at Arkinholme and Sir John Douglas of Balveny, who had fortified the castle of Abercorn, and leagued himself with the king's enemies of England, were involved in the same condemnation; and the prelates and clergy who sat in the parliament having retired, David Dempster of Caraldstone pronounced it to be the judgment of the three estates, that these persons had forfeited their lives, and that their whole movable and unmovable property, their estates, chattels, superiorities, and offices, had escheated in the hands of the crown. To give additional solemnity to this sentence, the instrument of forfeiture, which is still preserved, was corroborated by the seals of the Bishops of St Andrews, Dunblane, Ross, Dunkeld, and Lismore; by those of the Earls of Athole, Angus, Menteith, Errol, and Huntly; those of the Lords Lorn, Erskine, Campbell, Grahame, Somerville, Montgomery, Maxwell, Leslie, Glammis, Hamilton, Gray, Boyd, and Borthwick; whilst the sanction of the whole body of the commissioners of the burghs who were not provided at the moment with the seals of their respective communities, was declared to be fully given by appending to it the single seal of the burgh of Haddington.[3]

Whilst such events were passing in the low country, the Earl of Douglas, formidable even in his last struggle, had entered into an alliance with John, earl of Ross and lord of the Isles, to whom he had fled immediately after the disastrous issue of the battle of Arkinholme. This powerful ocean prince immediately assembled his vassals, and having collected a fleet of a hundred light galleys, which received on board a force of five thousand men, he intrusted the chief command to his near relation, Donald Balloch, lord of Isla, and a chief of formidable power not only in Scotland, but in the north of Ireland.[4] Animated by hereditary

[1] Sir Walter Scott of Kirkurd, the male ancestor of the Buccleuch family, on February 22, 1458-9, got a charter of lands in the barony of Crawfordjohn, "pro eo quod interfuit conflictu de Arkinholme, in occisione et captione rebellium quondam Archib. et Hugonis de Douglas, olim Comitum Moraviæ et Ormond." Mag. Sigill. v. 46.

[2] MS. Chronicle of this reign in the University of Edinburgh, A.C. c. 26. Letter of James the Second to Charles the Seventh. Pinkerton, vol. i. p. 486. See Illustrations N.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 42, 75, 77.

[4] This Donald Balloch was son of John of Isla, brother to Donald, earl of Ross, and inherited, through his mother, the territory of the Glens, in the county of Antrim.

hatred against the Scottish throne, Donald conducted a naval "raid," or predatory expedition, along the western coast of Scotland, commencing hostilities at Innerkip, and thence holding his progress to Bute, and the Cumbraes, and the island of Arran. Yet, owing to the able measures of defence adopted by the king, the enterprise met with little success; and the loss to the government, in lives and in property, was singularly disproportionate to the formidable maritime force which was engaged. "There was slain," says a contemporary chronicle, whose homely recital there is no reason to suspect of infidelity, "of good men fifteen, of women two or three, of children three or four. The plunder included five or six hundred horse, ten thousand oxen and kine, and more than a thousand sheep and goats. At the same time they burnt down several mansions in Innerkip, around the church, harried all Arran, stormed and levelled with the ground the castle of Brodick, and wasted with fire and sword the islands of the Cumbraes. They also levied tribute upon Bute, carrying away a hundred bolls of meal, a hundred bolls of malt, a hundred marts, and a hundred marks of silver."[1] The expedition appears to have been concluded by an attack upon Lauder, bishop of Lismore, a prelate who had made himself obnoxious to the party of Douglas, by affixing his seal to the instrument of their forfeiture. This dignitary, a son of the ancient family of Lauder of Balcomy in Fife, had been promoted by James the First to the bishopric of Argyle; but ignorant of the manners and the language of the rude inhabitants of his diocese, he early became unpopular, and his attempts to extinguish the disorders with which he was surrounded, by the firm authority of ecclesiastical law, were received with execration, and almost universal resistance. Three years previous to the expedition of Donald Balloch, on the occurrence of some misunderstanding between a parson or vicar of the bishop, whom he had appointed to one of his churches, and some of the Celtic officials attached to the administration of the diocese, Sir Gilbert Maclachlan, and Sir Morice Macfadyan, who filled the offices of chancellor and treasurer of the cathedral, having assembled the whole force of the clan Lachlan, violently assaulted the prelate during the course of a peaceful journey to his own cathedral church. They scornfully addressed him in the Gaelic tongue, dragged from their horses and bound the hands of the clerks which composed his train, stripped them of their rich copes, hoods, and velvet caps, plundered next morning the repositories of the church of its silver and ornaments, even seized the bulls and charters, and compelled the bishop, under terror of his life, to promise that he would never prosecute the men who had thus shamefully abused him. Such were the miserable scenes of havoc and violence which fell to the lot of the prelates who were bold enough to undertake the charge of those remote and savage dioceses; and we now, only three years after this cruel assault, find the same unfortunate dignitary attacked by the fierce admiral of the Isles, and after the slaughter of the greater part of his attendants, driven into a sanctuary which seems scarcely to have protected him from the fury of his enemies.[2]

Whilst Douglas thus succeeded in directing against the king the vengeance of the Isles, he himself had retired to England, where he was not only received with distinction by his ally the Duke of York, at this time possessed of the supreme power in the government, but repaid for his service by an annual pension of five hundred pounds, "to be continued to him until he should be restored to his possessions, or to the greater part of them, by the person who then called himself King of Scots."[3] It was hardly to be expected that an indignity like this, offered by a faction which had all along encouraged a rebellion in Scotland as a principal instrument in pro-

[1] Auchinleck Chronicle, p. 55.

[2] Auchinleck Chronicle, pp. 50, 51.

[3] Rymer, Fœdera, vol. xi. p. 367.

moting their intrigues, should not have excited the utmost resentment in the bosom of the Scottish monarch; and it was evident that a perseverance in such policy must inevitably hurry the two nations into war. James, however, whose kingdom was scarce recovered from the lamentable effects of the late rebellion, with a wisdom which was willing to overlook the personal injury, in his anxiety to secure to his people the blessing of peace, despatched a conciliatory embassy to the English court. At the same time he directed a letter to Henry the Sixth, complaining of the encouragement held out to a convicted traitor like Douglas, warning him of the fatal consequences which must result to himself in England, as well as to the kingdom which had been committed by God to his charge, if rebellion in a subject was thus fostered by a Christian prince; and declaring that, however unwilling to involve his subjects in war, he would never so far forget his kingly office as to permit his own dignity to be insulted, and the prosperity of his people endangered, with impunity, by any power whatever.[1]

This spirited remonstrance appears to have been followed by preparations for immediate hostilities, which, it may be easily believed, were not rendered less urgent by the following extraordinary epistle, which was soon after transmitted to the Scottish monarch:—"The king, to an illustrious prince, James, calling himself King of Scotland, sends greeting: We presume that it is notorious to all men, and universally acknowledged as a fact, that the supreme and direct dominion over the kingdom of Scotland appertains by law to the King of England, as monarch of Britain. We presume it to be equally acknowledged and notorious, that fealty and homage are due by the King of Scots to the King of England, upon the principle that it becomes a vassal to pay such homage to his superior and overlord; and that from times of so remote antiquity that they exceed the memory of man, even to the present day, we and our progenitors, Kings of England, have possessed such rights, and you and your ancestors have acknowledged such a dependence. Wherefore, such being the case, whence comes it that the subject hath not scrupled insolently to erect his neck against his master? and what think ye ought to be his punishment, when he spurns the condition and endeavours to compass the destruction of his person? With what sentence is treason generally visited—or have you lived so ignorant of all things as not to be aware of the penalties which await the rebel, and him who is so hardy as to deny his homage to his liege superior? If so, we would exhort you speedily to inform yourself upon the matter, lest the lesson should be communicated by the experience of your own person, rather than by the information of others. To the letters which have been presented to us by a certain person, calling himself your lion-herald and king-at-arms, and which are replete with all manner of folly, insolence, and boasting, we make this brief reply: It hath ever been the custom of those who fight rather by deceit than with open arms, to commit an outrageous attack, in the first instance, and then to declare war; to affect innocence, and shift their own guilt upon their neighbours; to cover themselves with the shadow of peace and the protection of truces, whilst beneath this veil they are fraudulently plotting the ruin of those they call their friends. To such persons, whose machinations we cordially despise, it seems to us best to reply by actions. The repeated breaches of faith, therefore, which we have suffered at your hands; the injury, rapine, robbery, and insolence, which have been inflicted upon us, contrary to the rights of nations, and in defiance of the faith of treaties, shall be passed over in silence rather than committed to writing; for we esteem it unworthy of our dignity to attempt to reply to you in your own fashion by slanders and reproaches. We would desire, however, that, in the mean season, you should not be ignorant that, instead of its having the

[1] Rymer, Fœdera, vol. xi. p. 383.

intended effect of inspiring us with terror, we do most cordially despise this vain confidence and insolent boasting, in which we have observed the weakest and most pusillanimous persons are generally the greatest adepts; and that you should be aware that it is our firm purpose, with the assistance of the Almighty, to put down and severely chastise all such insolent rebellions, and arrogant attempts, which it hath been your practice contumeliously to direct against us. Wishing, nevertheless, with that charity which becomes a Christian prince, that it may please our Lord Jesus Christ to reclaim you from error into the paths of justice and truth, and to inspire you for the future with a spirit of more enlightened judgment and counsel, we bid you farewell."[1]

It does not appear that the king took any notice of this singular specimen of diplomatic insolence, in which, with an amusing inconsistency, the writer condemns the error into which he falls himself; but it is evident, from the preparations appointed to be made by the parliament which assembled at Edinburgh during the course of the same year, on the 4th of August, and afterwards on the 13th of October, that it had been preceded, and it was certainly followed, by serious hostilities upon the Borders. The particulars of these conflicts on the marches do not, however, appear in the later historians of the times, or in the pages of the contemporary chronicles; and, although carried on with all the desolating fury which distinguished the warfare of the marches, they led to no important results, and were soon after intermitted, in consequence of the partial recovery of health by Henry the Sixth, a circumstance which removed the Duke of York from the office of protector, and for a while deprived him of the supreme power in the state. The Earl of Douglas, however, continued still in England, animated by the bitterest resentment against James, and exerting every effort to organise a force sufficiently strong to enable him to invade the kingdom from which he had been so justly expelled. His success in this treasonable object, although ultimately of so alarming a nature as once more to threaten the tranquillity of the kingdom, was counteracted for the present by the revival of the influence of the Duke of Somerset, which had ever been favourable to Scotland; and the measures adopted by the parliament for strengthening the authority of the crown, and increasing the defensive force of the kingdom, were well calculated to render abortive the utmost attempts of its enemies.

With regard to the first of these objects, it would be difficult to explain the intentions of the legislature in a more forcible manner than in the words of the statute itself. It declared, that "since the poverty of the crown is ofttimes the cause of the poverty of the realm, and of many other inconveniences which it would be tedious to enumerate, it had been ordained, by the advice of the full council of parliament, that there should be, from this time, appointed certain lordships and castles in every part of the realm, where, at different periods of the year, the sovereign may be likely to take up his residence, which were to belong in perpetuity to the crown, never to be settled or bestowed either in fee or franctenure upon any person whatever, however high his rank or estate, except by the solemn advice and decree of the whole parliament, and under circumstances which affected the welfare and prosperity of the kingdom." For the additional security of the crown lands, it was further declared "that even if the present monarch, or any of his successors, should alienate or convey away to any person the lordships and castles which were the property of the crown, such a transaction being contrary to the will of parliament, should not stand good in law; but that it should be permitted to the king, for the time being, to resume these lands into his own hands without the solemnity of any intervening process of law; and not only to resume them, but to insist that

[1] Rymer, Fœdera, vol. xi. p. 383.

those who had unjustly occupied these royal estates should refund the whole rents and profits which they had received, till the period of their resumption by the crown." It was lastly enacted, "that the present king and his successors should be obliged to take an oath that they shall keep this statute, and duly observe it in every particular."[1] There was added to this enactment a particular enumeration of the crown lands and revenue. In the light which it throws on the history of the constitution, at a period when the crown was struggling for existence against the growing power of the aristocracy, it is too interesting to be passed over.

The first article in this enumeration is the sum arising from the whole customs of Scotland, which were in the hands of James the First on the day of his death; it being, however, provided, that those officers whose pensions were payable out of the customs should receive compensation from some other source. After this follows the specific enumeration of the crown lands, beginning with the lordship of Ettrick forest, and the whole lordship or principality of Galloway, along with the castle of Thrieve. These two great accessions of territory, which were now annexed to the crown, had long formed one of the richest and most populous portions of the forfeited estates of the house of Douglas. Next we find the castle of Edinburgh, with the lands of Ballincreif and Gosford, together with all other estates pertaining to the king within the sheriffdom of Lothian. Also, the castle of Stirling, with all the crown lands around it; the castle of Dumbarton, with the lands of Cardross, Roseneath, and the pension from Cadyow, with the pension of the "ferme meill" of Kilpatrick; the whole earldom of Fife, with the palace of Falkland; the earldom of Strathern, with the rights belonging to it; the house and lordship of Brechin, with the services and superiority of Cortachy; the castles and lordships of Inverness and Urquhart, with the water-mails or rents due for the fishings of Inverness; the lordship of Abernethy, and the several baronies of Urquhart, Glenorchane, Bonnechen Bonochar, Annache, Edderdail, otherwise called Ardmanache, Pecty, Brachly, and Strathern; and, lastly, the Redcastle, with the lordships in the county of Ross which are attached to it. It was also particularly provided that all regalities which at present belonged to the king should be indissolubly annexed to the crown lands, and that in time to come no erection of regalities should take place without the advice of the parliament.[2]

Other measures of the same parliament had an evident reference to the increasing the authority of the crown. It was ordained that, for the future, the wardenry of the Borders, an office of the utmost power and responsibility, should cease to be hereditary; that the wardens should have no jurisdiction in cases of treason, except where such cases arose out of an infraction of the truce; and that no actions or pleas in law should be brought into the court of the warden, but ought to be prosecuted before the justice-ayre. The situation of warden had long been esteemed the inalienable property of the house of Douglas, and its abolition as a hereditary dignity was the consequence of the late rebellion. But the able ministers who at this time directed the king's councils were not satisfied with cutting down the exorbitant power of the warden. The blow was wisely aimed against the principle which made any office whatever a hereditary fee; and it was declared that, in all time to come, "no office should be given in fee or heritage, whilst such as had been so disposed of since the death of the late king were revoked and abolished, due care being taken that any price or consideration which had been advanced by the incumbent should be restored. From the operation of this excellent statute, an exception was made in favour of the wardenry of the march, which the king had bestowed on his son, Alex-

[1] Acts of the Parliament of Scotland, vol. ii. pp. 42, 43.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 42, 43.

ander, earl of March and lord of Annandale.[1] A few other statutes, enacted in this same parliament, deserve attention. He who arrested any false coiner, and brought him to the king, was to have ten pounds for his labour, and the escheat of the offender. Sornars[2] were to be punished as severely as thieves or robbers; and for the settlement of those inferior disputes which were perpetually occurring between the subjects of the burghs of the realm, it was provided that the privy council should select eight or twelve persons, according to the size of the town, to whose decision all causes, not exceeding the sum of five pounds, were to be intrusted.

A curious statute followed on the subject of dress, which is interesting, from its minuteness. It declared, that with regard to the dresses to be worn by earls, lords of parliament, commissaries of burghs, and advocates, at all parliaments and general councils, the earls should take care to use mantles of "brown granyt," open in the front, furred with ermine, and lined before with the same, surmounted by little hoods of the same cloth, to be used for the shoulders. The other lords of parliament were directed to have a mantle of red cloth, open in front, and lined with silk, or furred with "Cristy gray, grece, or purray, with a hood furred in the same manner, and composed of the same cloth;" whilst all commissaries of burghs were commanded to have a pair of cloaks,—such is the phrase made use of,—of blue cloth, made to open on the right shoulder, to be trimmed with fur, and having hoods of the same colour. If any earl, lord of parliament, or commissary, appeared in parliament, or at the general council, without this dress, he was to pay a fine of ten pounds to the king. All men of law employed and paid as "forespeakers," were to wear a dress of green cloth, made after the fashion of a "tunykill," or little tunic, with the sleeves open like a tabard, under a penalty of five pounds to the king, if they appeared either in parliament or at general councils without it; and in every burgh where parliament or general councils were held, it was directed that there be constructed "where the bar uses to stand," a platform, consisting of three lines of seats, each line higher than the other, upon which the commissaries of the burghs were to take their places.[3]

At a prorogued meeting of the same parliament, held at Stirling on the 13th of October, regulations were made for the defence of the kingdom against any sudden invasion of the English, which explain the system of transmitting information by beacons adopted in those early times, in an interesting manner. At the different fords or passages of the Tweed between Roxburgh and Berwick, where it was customary for the English forces to cross the river, certain watchmen were stationed, whose duty it was to light a bale-fire, or beacon, the moment they received word of the approach of an enemy. It was to be so placed as to be seen at Hume castle, and to this station the watchmen were instantly to repair. The beacon fires were to be regulated in the following manner:—One fire was understood to signify that an enemy was reported to be approaching,—two fires, that they were coming for certain,—by four fires, lighted up at once, and each beside another, like four "*candellis, and all at ayns*,"[4] to use the homely language of the statute, it was to be understood that the invading army was one of great strength and power. The moment that the watchmen stationed at Eggerhope (now Edgerton) castle descried the beacon at Hume, they were commanded to light up their bale-fire; and the moment the men stationed at Soutra Edge descried the Eggerhope fire, they were to answer it by a corresponding beacon on their battlements; and thus,

[1] Acts of the Parliament of Scotland, vol. ii. p. 43.

[2] An expressive Scottish word, meaning a stout armed vagrant, who insists on taking up his quarters for an indefinite period at the various houses he visits.

[3] Acts of the Parliament of Scotland, vol. ii. p. 43.

[4] All at once.

fire answering to fire, from Dunbar, Haddington, Dalkeith, all Lothian was to be roused as far as Edinburgh castle. At Edinburgh four beacons were instantly to be lighted to warn the inhabitants of Fife, Stirling, and the eastern part of Lothian. Beacons were also directed to be kindled on North Berwick Law and Dunpender Law, to warn the coast side of the sea: it being understood that all the fighting men on the west side of Edinburgh should assemble in that city; and all to the east of it, at Haddington; whilst all merchants and burghers were directed to join the host as it passed through their respective communities. By another statute of the same parliament, two hundred spearmen and two hundred bowmen were ordered to be maintained, at the expense of the Border lords, upon the east and middle marches; whilst, upon the west marches, there was to be kept up a force of one hundred bows and one hundred spears; the Border lords and barons being strictly enjoined to have their castles in good repair, well garrisoned, and amply provided with military stores, whilst they themselves were to be ready, having assembled their vassals at their chief places of residence, to join the warden, and pass forward with the host wherever he pleased to lead them.[1]

Some other statutes are worthy of notice, as illustrating the state of the Borders and the manners of the times. It was directed that when a warden raid took place, meaning an invasion of England by the lord warden in person, or when any other chieftain led his host against the enemy, no man was to be permitted, under pain of death, and forfeiture of his whole goods, to abstract any part of the general booty, until, according to the ancient custom of the marches, it had been divided into three parts, in presence of the chief leader of the expedition; any theft of the plunder or the prisoners belonging to the leaders or their men—any supplies furnished to the English garrisons of Roxburgh or Berwick—any warning given to the English of a meditated invasion by the Scots—any private journey into England, without the king's or the warden's safe-conduct, was to be punished as treason, with the loss of life and estate; and it was strictly enjoined upon the principal leaders of any raids into England, that they should cause these directions of the parliament to be communicated to their host previous to the expedition, so that none might allege ignorance of the law as an excuse of its violation.[2]

Amid these wise endeavours to strengthen the power of the crown, and to provide for the security of the kingdom, James was surprised by the arrival at court of two noble ladies, who threw themselves upon his protection. These were the Countess of Douglas, known before her marriage by the name of the Fair Maid of Galloway; and the Countess of Ross, a daughter of the once powerful house of Livingston.[3] The first had been miserable in her marriage with that Earl of Douglas who had fallen by the king's hand in Stirling castle, and equally wretched in her subsequent unnatural union with his brother, at this moment a rebel in England. Profiting by his absence, she now fled to the court of the king, representing the cruelty with which she had been treated both by the one and the other. She was not only welcomed with the utmost kindness and courtesy, but immediately provided with a third husband, in the king's uterine brother, Sir John Stewart, son of his mother by her second husband, the Black Knight of Lorn. In what manner her marriage with Douglas was dissolved does not appear; but it is singular that she had no children by either of her former husbands. Her third lord, to whom she bore two daughters,[4] was soon afterwards created Earl of Athole, and

[1] Acts of the Parliament of Scotland, vol. ii. pp. 44, 45.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 44, 45.

[3] Buchanan, book xi. chap. xlv.

[4] Her two daughters were Lady Janet, married to Alexander, earl of Huntly; and Lady Catherine, to John, sixth Lord Forbes.

enriched by the gift of the forfeited barony of Balveny. To the Countess of Ross, the wife of the rebel earl of that name, and to whom her husband's treason appears to have been as distasteful as to the consort of the Earl of Douglas, James with equal readiness extended the royal favour, and assigned her a maintenance suited to her rank;[1] whilst not long after, a third noble female, his sister, the Princess Annabella, arrived from the court of the Duke of Savoy. She had been betrothed to Louis, the second son of the Duke of Savoy; but, at the request of the King of France, and on payment of the sum of twenty-five thousand crowns, James consented to a dissolution of the intended marriage; and, on her return to Scotland, she became the wife of the first Earl of Huntly.[2]

Disengaged from these minor cares, the king found himself soon after involved in a negotiation requiring greater delicacy in its management, and which, if abortive, might have been productive of consequences prejudicial to the kingdom. It arose out of a complaint transmitted to the Scottish court by Christian, king of Norway, upon the subject of the money due by the King of Scotland for the Western Isles and the kingdom of Man, in virtue of the treaty concluded in 1426 between James the First, and Eric, king of Norway. This treaty itself was only a confirmation of the original agreement, by which, nearly two hundred years before, Alexander the Third had purchased these islands from Magnus, then King of Norway; and Christian now remonstrated, not merely on the ground that a large proportion of arrears was due, but that one of his subjects, Biorn, son of Thorleif, the Lieutenant of Iceland, having been driven by a storm into a harbour in the Orkneys, had been seized by the Scottish authorities, contrary to the faith of treaties, and cast, with his wife and his attendants, into prison.[3] Happily, after some correspondence upon these points, instead of an appeal to arms, the parties adopted the expedient of referring all differences to the decision of Charles the Seventh, their mutual friend and ally; who, after various delays, pronounced his final decision at a convention of the commissioners of both kingdoms, which was not held till four years after this period, in 1460.

In the meantime, in consequence of the re-establishment of the influence of the house of Lancaster by the restoration of Henry the Sixth, and his queen, a woman of masculine spirit, affairs began to assume a more favourable aspect on the side of England; and the King of Scotland having despatched the Abbot of Melrose, Lord Graham, Vans, dean of Glasgow, and Mr George Fala, burgess of Edinburgh as his commissioners to the English government, a truce between the two countries was concluded, which was to last till the 6th of July 1459.[4] This change, however, in the administration of affairs in England did not prevent the Earl of Douglas, who during the continuance of the power of the Yorkists had acquired a considerable influence in that country, from making the strongest efforts to regain the vast estates of which he had been deprived, and to avenge himself on the sovereign whose allegiance he had forsworn. He accordingly assembled a force in conjunction with the Earl of Northumberland, and breaking across the Border, wasted the fertile district of the Merse in Berwickshire with the merciless fury of a renegade. After a course of plunder and devastation, which, without securing the confidence of his new friends, made him detested by his countrymen, he was met and totally defeated by the Earl of Angus, at the head of a division of the royal army; nearly a thousand of the English were slain, seven hundred taken prisoners, and Douglas, once more driven a fugitive into England, found himself so effectually shorn of his power and limited in his resources, that he remained perfectly inoffen-

[1] Mag. Sig. vii. 371. 8th February 1475.
[2] Ibid. v. 91. 1st March 1459.
[3] Torfæi Orcades, p. 184.
[4] Rymer Fœdera, vol. xi. pp. 389-399.

sive during the remainder of this reign.[1]

The lordship of Douglas and the wide domains attached to this dignity were now, in consequence of his important public services, conferred upon the Earl of Angus, a nobleman of great talents and ambition, connected by his mother, who was a daughter of Robert the Third, with the royal family, and inheriting by his father, George, first earl of Angus, a son of the first earl of Douglas, the same claim to the crown through the blood of Baliol which we have already seen producing a temporary embarrassment upon the accession of Robert the Second in the year 1370.[2] Upon the acquisition by Angus of the forfeited estates of Douglas, the numerous and powerful vassals of that house immediately attached themselves to the fortunes of this rising favourite, whom the liberality of the king had already raised to a height of power almost as giddy and as dangerous as that from which his predecessor had been precipitated. Apparent, however, as were the dangerous consequences which might be anticipated from this policy, we must blame rather that miserable feudal constitution under which he lived than censure the monarch who was compelled to accommodate himself to its principles. The only weapons by which a feudal sovereign could overwhelm a noble whose strength menaced the crown, were to be found in the hands of his brethren of the aristocracy; and the only mode by which he could insure their co-operation in a struggle, which, as it involved in some degree an attack upon their own rights, must have excited their jealousy, was to permit them to share in the spoils of his forfeiture.

Some time previous to this conclusive defeat of Douglas, the parliament had again assembled at Edinburgh; when, at the desire of the king, they took into consideration the great subjects of the defence of the country, the regulations of the value of the current coin, the administration of justice, and the establishment of a set of rules, which are entitled, "concerning the governance of the pestilence;" a dreadful scourge, which now for the fifth time began to commit its ravages in the kingdom. Upon the first head, it was provided that all subjects of the realm possessed of lands or goods should be ready mounted and armed, according to the value of their property, to ride for the defence of the country the moment they received warning, either by sound of trumpet or lighting of the beacon; that all manner of men, between the ages of sixteen and sixty, should hasten to join the muster on the first intelligence of the approach of an English host, except they were in such extreme poverty as to be unable to furnish themselves with weapons. Every yeoman, however, worth twenty marks, was to furnish himself at the least with a jack and sleeves down to the wrist, or, if not thus equipped, with a pair of splents, a *sellat*,[3] or a prikit hat, a sword and buckler, and a bow and sheaf of arrows. If unskilled in archery, he was to have an axe and a targe, made either of leather or of fir, with two straps in the inside. Warning was to be given by the proper officers to the inhabitants of every county, that they provide themselves with these weapons, and attend the weapon-schawing, or armed muster, before the sheriffs, bailies, or stewards of regalities, on the morrow after the "lawe days after Christmas." The king, it was next declared, ought to make it a special request to some of the richest and most powerful barons, "that they make carts of war; and in each cart place two guns, each of which was to have two chambers, to be supplied with the proper warlike tackling, and to be furnished also with a cunning man to shoot them. And if," it was quaintly added, "they have no skill in the art of shooting with them at the time of passing the act, it is hoped that they will make themselves master

[1] The MS. Chronicle in the Library of the University of Edinburgh dates this conflict October 23, 1458.

[2] See supra, vol. i. pp. 326, 327. Duncan Stewart's Account of the Royal Family of Scotland, p. 62.

[3] A helmet, or headpiece for foot-soldiers.

of it before they are required to take the field against the enemy."[1]

With regard to the provisions for defence of the realm upon the Borders during the summer season, the three estates declared it to be their opinion that the Borderers did not require the same supplies which were thought necessary when the matter was first referred to the king, because this year they were more able to defend themselves than in any former season; first, it was observed they were better, and their enemies worse provided than before; secondly, they were certain of peace, at least on two Borders, till Candlemas. On the west Borders, it was remarked, the winter was seldom a time of distress, and the English would be as readily persuaded to agree to a special truce from Candlemas till "Wedderdais," as they now did till Candlemas; considering, also, that during this last summer the enemy have experienced great losses, costs, and labour in the war, and, as it is hoped, will have the same in summer, which is approaching. The English, it was said, had been put to far more labour and expense, and had suffered far greater losses in the war this last summer than the Scottish Borderers. It was therefore the opinion of the three estates that the Borderers should for the present be contented without overburdening the government by their demands; and if any great invasion was likely to come upon them, the parliament recommended that the midland barons should be ready to offer them immediate supplies and assistance.[2]

Upon the subject of the pestilence, the great object seems to have been to prevent contagion, by shutting up the inhabitants both of town and country, for a certain season, within their houses. The clergy, to whom the consideration of the most difficult matters of state policy appears to have been at this period invariably committed, were of opinion, in the words of the statute, "that no person, either dwelling in burgh or in the upland districts, who had provision enough to maintain himself and his followers or servants, should be expelled from his own house, unless he will either not remain in it," or may not be shut up in the same. And should he disobey his neighbours, and refuse to keep himself within his residence, he was to be compelled to remove from the town. Where, however, there were any people, neither rich enough to maintain themselves nor transport their families forth of the town, the citizens were directed to support them at their own expense, so that they did not wander away from the spot where they ought to remain, and carry infection through the kingdom, or "fyle the cuntre about thame." "And if any sick folk," it was observed, "who had been put forth from the town, were caught stealing away from the station where they had been shut up," the citizens were commanded to follow and bring them back again, punishing them for such conduct, and compelling them to remain in durance. It was directed by the same statute that no man should burn his neighbours' houses, meaning the mansions which had been deserted as infected, or in which the whole inhabitants had died, unless it could be done without injury to the adjoining healthy tenements; and the prelates were commanded to make general processions throughout their dioceses twice in the week, for the stanching of the pestilence, and "to grant pardon" (by which word possibly is meant indulgences) to the priests who exposed themselves by walking in these processions.[3]

With regard to the important subject of the money and coinage of the realm, it will be necessary to look back for a moment to the provisions of the parliament held at Stirling a few years before this period, which were then purposely omitted that the state of the coinage under this reign and the principles by which it was regulated might be brought under the eye in a connected series.

[1] Acts of the Parliament of Scotland, vol. ii. p. 45.

[2] Ibid. vol. ii. p. 45.

[3] Acts of the Parliament of Scotland, vol. ii. p. 46.

We find it first declared in a public paper, entitled, The Advisement of the Deputes of the Three Estates, touching the Matter of the Money, that on many accounts it was considered expedient there should be an issue of a new coinage, conforming in weight to the money of England. Out of the ounce of burnt or refined silver, or bullion, eight groats were to be coined, and smaller coins of halfgroats, pennies, halfpennies, and farthings, of the same proportionate weight and fineness. The new groat was to have course for eightpence, the halfgroat for fourpence, the penny for twopence, the halfpenny for one penny, and the farthing for a halfpenny. It was also directed that the English groat, of which eight groats contained one ounce of silver, should be reckoned of the value of eightpence the piece; that the English half-groat, agreeing in weight to the same, should be taken for fourpence; and that the English penny should only be received for such value as the receiver chooses to affix to it. From the time that this new groat was struck, and a day appointed for its issue, the groat now current was to descend in its value to fourpence, and the half-groat to twopence, till which time they were to retain the value of the new money. It was next directed by the parliament that there should be struck a new penny of gold, to be called "a lion," with the figure of a lion on the one side, and on the reverse the image of St Andrew, clothed in a side-coat reaching to his feet, which piece was to be of an equal weight with the half English noble, otherwise it should not be received in exchange by any person,—the value of which lion, from the time it was received into currency, was to be six shillings and eightpence of the new coinage, and the half-lion three shillings and fourpence. After the issue of the new coinage, the piece called the demy, which, it was declared, had now a current value of nine shillings, was to be received only for six shillings and eightpence, and the halfdemy for three shillings and fourpence.[1]

The master of the mint was made responsible for all gold and silver struck under his authority, until the warden had taken assay of it, and put it in his store; nor was any man to be obliged to receive this money should it be reduced by clipping; the same master having full power to select, and to punish for any misdemeanour, the coiners and strikers who worked under him, and who were by no means to be goldsmiths by profession, if any others could be procured.[2]

Such were the regulations regarding the current money of Scotland, which were passed by the Scottish parliament in 1451; but it appears that, in the interval between this period and the present year, 1456, the value affixed to the various coins above mentioned, including those of foreign countries as well as the new issue of lions, groats, and half-groats, had been found to be too low; so that the merchants and traders discovering that there was actually more bullion in the money than the statutory value fixed by parliament, kept it up and made it an article of export. That such was the case, appears evident from the expressions used by the parliament of 1456 with regard to the pieces called demys, the value of which we have seen fixed in 1451 at six shillings and eightpence. "And to the intent," it was remarked, "that the demys which are kept in hand should 'come out,' and have course through the realm, and remain within it, instead of being carried out of it, the parliament judged it expe-

[1] The exact value of the foreign coins then current in Scotland was fixed at the same time: the French real being fixed at six shillings and eightpence; the salute, which is of the same weight as the new lion, at the same rate of six shillings and eightpence; the French crown, now current in France, having on each side of the shield a crowned fleur-de-lys, the Dauphin's crown, and the Flemish ridar, are in like manner to be estimated at the same value as the new lion. The English noble was fixed at thirteen shillings and fourpence; the half-noble at six shillings and eightpence; the Flemish noble at twelve shillings and eightpence; and all the other kind of gold not included in the established currency was to have its value according to the agreement of the buyer and seller.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 39, 40.

dient that the demy be cried to ten shillings." Upon the same principle, and to prevent the same occurrence, which was evidently viewed with alarm by the financiers of this period, a corresponding increase of the value of the other current coins, both of foreign countries and of home coinage, above that given them in 1451, was fixed by the parliament of 1456. Thus, the Henry English noble was fixed at twenty-two shillings; the French crown, Dauphin's crown, salute, and Flemish ridars, which had been fixed at six shillings and eightpence, were raised, in 1456, to eleven shillings; the new lion, from its first value of six shillings and eightpence, was raised to ten shillings; the new groat from eightpence to twelvepence; the half-groat from fourpence to sixpence. In conclusion, the lords and auditors of the exchequer were directed by the same parliament to examine with the utmost care, and make trial of the purity of the gold and silver, which was presented by the warden of the mint.[1]

It was provided that, in time of fairs and public markets, none of the king's officers were to take distress, or levy any tax, upon the goods and wares of so small a value and bulk as to be carried to the fair either on men's backs, in their arms, or on barrows and sledges. On the other hand, where the merchandise was of such value and quantity, that it might be exposed for sale in great stalls, or in covered "*cramys*" or booths, which occupied room in the fair, a temporary tax was allowed to be levied upon the proprietors of these, which, however, was directed to be restored to the merchant at the court of the fair, provided he had committed no trespass, nor excited any disturbance during its continuance.[2] The enactments of this parliament upon the subject of the administration of justice, were so completely altered or modified in a subsequent meeting of the estates, that at present it seems unnecessary to advert to them.

[1] Acts of the Parliament of Scotland, vol. ii. p. 46.

[2] Ibid. vol. ii. p. 47.

In the meanwhile the condition of the kingdom evidently improved, fostered by the care of the sovereign, whose talents, of no inferior order, were daily advancing into the strength and maturity of manhood. Awake to the infinite superiority of intellect in the clergy over the warlike but rude and uninformed body of his nobles, it was the wise policy of James to select from them his chief ministers, employing them in his foreign negotiations and the internal administration of the kingdom, as far as it was possible to do so, without exciting resentment in the great class of his feudal barons. It was the consequence of this system that a happy understanding and a feeling of mutual affection and support existed between the monarch and this numerous and influential class, so that, whilst the king maintained them in their independence, they supported him in his prerogative. Thus, at a provincial council which was convoked at Perth, where Thomas, bishop of Aberdeen, presided as *conservator statutorum*, it was declared, in opposition to the doctrine so strenuously insisted on by the Holy See, that the king had an undoubted right, by the ancient law and custom of Scotland, to the ecclesiastical patronage of the kingdom, by which it belonged to him to present to all benefices during the vacancy of the see. Whilst James, however, was thus firm in the assertion of those rights which he believed to be the unalienable property of the crown, he was careful to profess the greatest reverence in all spiritual matters for the authority of the Holy See; and on the accession of Pius the Second, the celebrated Æneas Sylvius, to the Papal crown, he appointed commissioners to proceed to Rome, and perform his usual homage to the sovereign pontiff.[3]

It was about this same time that the crown received a valuable addition to its political strength, in the annexation of the earldom of Mar to the royal domains. Since the period of the failure of the heir-male in 1435, in the person of Alexander Stewart,

[3] Mag. Sig. v. 82.

natural son of the Earl of Buchan, brother of Robert the Third, this wide and wealthy earldom had been made the subject of litigation, being claimed by the crown, as *ultimus hæres*, by Robert, lord Erskine, the descendant of Lady Ellen Mar, sister of Donald, twelfth earl of Mar, and by Sir Robert Lyle of Duchal, who asserted his descent from a co-heiress. There can be no doubt that the claim of Erskine was just and legal. So completely, indeed, had this been established, that in 1438 he had been served heir to Isabel, countess of Mar; and in the due course of law, he assumed the title of Earl of Mar, and exercised the rights attached to this dignity. In consequence, however, of the act of the legislature already alluded to, which declared that no lands belonging to the king should be disposed of previous to his majority, without consent of the three estates, the earl was prevented from attaining possession of his undoubted right; and now, that no such plea could be maintained, an assize of error was assembled in presence of the king, and, by a verdict, which appears flagrantly unjust, founded upon perversions of the facts and misconstructions of the ancient law of the country, the service of the jury was reduced; and the earldom being wrested from the hands of its hereditary lord, was declared to have devolved upon the king. The transaction, in which the rights of a private individual were sacrificed to the desire of aggrandising the crown, casts a severe reflection upon the character of the king and his ministers, and reminds us too strongly of his father's conduct in appropriating the earldom of March. It was fortunate, however, for the monarch, that the house of Erskine was distinguished as much by private virtue as by hereditary loyalty; and that, although not insensible to the injustice with which they had been treated, they were willing rather to submit to the wrong than endanger the country by redressing it. In the meantime, James, apparently unvisited by any compunction, settled the noble territory which he had thus acquired upon his third son, John, whom he created Earl of Mar.[1]

Soon after this, the clemency of the monarch was implored by one who, from the course of his former life, could scarcely expect that it should be extended in his favour. John, lord of the Isles and earl of Ross, a baron from his early years familiar with rebellion, and whose coalition with the Earls of Crawford and Douglas had, on a former occasion, almost shook the throne, being weakened by the death of Crawford, and the utter defeat of Douglas, became alarmed for the fate which might soon overtake him, and, by a submissive message, entreated the royal forgiveness, offering, as far as it was still left to him, to repair the wrongs he had inflicted. To this communication the offended monarch at first refused to listen; because the suppliant, like Crawford, had not in person submitted himself unconditionally to his kingly clemency; but after a short time, James relented from the sternness of his resolution, and consented to extend to the humbled chief a period of probation, within which, if he should evince the reality of his repentance by some notable exploit, he was to be absolved from all the consequences of his rebellion, and reinstated in the royal favour. What notable service was performed by Ross history has not recorded; but his presence, three years subsequent to this, at the siege of Roxburgh, and his quiescence during the interval, entitle us to presume that he was restored to the royal favour.

The aspect of affairs in England was now favourable to peace, and Henry the Sixth, with whom the Scottish monarch had always cultivated a friendly intercourse, having proposed a prolongation of the truce by letters transmitted under the privy seal, James immediately acceded to his wishes. A desire for the tranquillity of his kingdom, an earnest wish to be united in the bonds of charity and love with all Christian princes, and a reverent obedience to the admonitions

[1] Sutherland Case, by Lord Hailes, chap. v. p. 50.

of the Pope, exhorting to peace with all the faithful followers of Christ, and to a strict union against the Turks and infidels, who were the enemies of the Catholic faith, were enumerated by the king as the motives by which he was actuated to extend the truce with England for the further space of four years,[1] from the 6th of July 1459, when the present truce terminated. Having thus provided for his security for a considerable period upon the side of England, James devoted his attention to the foreign political relations of his kingdom. An advantageous treaty was concluded by his ambassadors with John, king of Castile and Leon. The same statesmen to whom this negotiation was intrusted were empowered to proceed to Denmark, and adjust the differences between Scotland and the northern potentate upon the subject of the arrears due for the Western Isles and the kingdom of Man; whilst a representation was made at the same time to Charles the Seventh of France, the faithful ally of Scotland, that the period was now long past when the Scottish crown ought to have received delivery of the earldom of Xaintonge and lordship of Rochfort, which were stipulated to be conveyed to it in the marriage treaty between the Princess Margaret, daughter of James the First, and Lewis, the Dauphin of France. It appears by a subsequent record of a parliament of James the Third that the French monarch had agreed to the demand, and put James in possession of the earldom.[2]

It is impossible to understand the causes, or to trace clearly the consequences of the events which at this period occurred in Scotland without a careful attention to the political condition of the sister country, then torn by the commencement of the fatal contest between the houses of York and Lancaster. In the year 1459 a struggle had taken place amongst these fierce competitors for the possession of supreme power, which terminated in favour of Henry the Sixth, who expelled from the kingdom his enemy, the Duke of York, with whom the Earl of Douglas, on his first flight from Scotland, had entered into the strictest friendship. Previous to this, however, the Scottish renegade baron, ever versatile and selfish, observing the sinking fortunes of York, had embraced the service of the house of Lancaster, and obtained a renewal of his English pension as a reward from Henry for his assistance against his late ally of York. James at the same time, and prior to the flight of York to Ireland, had despatched an embassy to Henry for the purpose of conferring with him upon certain "secret matters," which of course it is vain to look for in the instructions delivered to the ambassadors; but Lesley, a historian of respectable authority, informs us that, at a mutual conference between the English and Scottish commissioners, a treaty was concluded, by which Henry, in return for the assistance to be given him by the Scottish king, agreed to make over to him the county of Northumberland, along with Durham and some neighbouring districts, which in former times it is well known had been the property of the Scottish crown.[3] We are not to be astonished that the English ambassadors, the Bishop of Durham, and Beaumont, great-chamberlain of England, should have been required to keep those stipulations concealed which, had they transpired, must have rendered Henry's government so highly unpopular; and it may be remarked that this secret treaty, which arose naturally out of the prior political connexions between James and Henry, explains the causes of the rupture of the truce, and the subsequent invasion of England by the Scottish monarch, an event which, as it appears in the narrative of our popular historians, is involved in much obscurity.

In consequence of this secret agreement, and irritated by the disturbances which the Duke of York and his adherents, in contempt of the existing truce, perpetually excited upon the

[1] Rymer's Fœdera, vol. xi. p. 407.
[2] Acts of the Parliament of Scotland, vol. ii. p. 104.
[3] Lesley, History of Scotland, p. 29.

Scottish Borders, James, in the month of August 1459, assembled a formidable army, which, including camp followers and attendants, composing nearly one-half of the whole, mustered sixty thousand strong. With this force he broke into England, and in the short space of a week won and destroyed seventeen towers and castles, ravaging Northumberland with fire and sword, pushing forward to Durham, and wasting the neighbouring territories with that indiscriminate havoc which, making little distinction between Yorkists or Lancastrians, threatened to injure rather than to assist the government of his ally the English king.[1] Alarmed, accordingly, at this desolating progress, Henry despatched a messenger to the Scottish camp, who in an interview with the monarch explained to him that the disturbances which had excited his resentment originated solely in the insolence of the Yorkists; but that he trusted to be able to put down his enemies within a short period without calling upon his faithful ally for that assistance which, if his affairs were less prosperous, he would willingly receive. In the meantime he besought him to cease from that invasion of his dominions, in which, however unwillingly, his friends as well as his foes were exposed to plunder, and to draw back his army once more into his own kingdom. To this demand James readily assented, and after a brief stay in England recrossed the Borders, and brought his expedition to a conclusion.[2]

Immediately after his retreat an English army, of which the principal leaders were the Duke of York and the Earl of Salisbury, and which included various barons of both factions, approached the Scottish marches, but the meditated invasion was interrupted by the dissensions amongst the leaders, and a host consisting of more than forty thousand men fell to pieces, and dispersed without performing anything of consequence.[3] To account for so singular an occurrence, it must be recollected that at this moment a temporary and hollow agreement had been concluded between the Lancastrians and the Yorkists, in which, under the outward appearance of amity, the causes of mortal dissension were working as deeply as before,[4] so that, whilst it was natural to find the two factions attempting to coalesce for the purpose of inflicting vengeance upon the Scots, it was equally to be expected that the king and the Lancastrians, who now possessed the supreme power, should be little inclined to carry matters to extremities. A few months, however, once more saw England involved in the misery of civil war, and although Henry was totally defeated by the Earl of Salisbury, who commanded the Yorkists in the battle of Bloreheath, yet his fortunes seemed again to revive upon the desertion of the Duke of York by his army at Ludford Field; and James, rejoicing in the success of his ally, immediately despatched his ambassadors, the Bishops of Glasgow and Aberdeen, with the Abbots of Holyrood, Melrose, and Dunfermline, and the Lords Livingston and Avendale, to meet with the commissioners of England, confirm the truces between the kingdoms, and congratulate the English monarch on his successes against his enemies.

But short was the triumph of the unfortunate Henry, and within the course of a single month the decisive victory gained by the Duke of York and the Earl of Warwick at Northampton at once destroyed the hopes of his party, reduced himself to the state of a captive in the hands of his implacable enemies, and saw his queen and the prince, his son, compelled to seek a retreat in Scotland. It was now time for James seriously to exert himself in favour of his ally, and the assistance which, under a more favourable aspect of his fortunes, had been deprecated, was now anxiously implored. Nor was the Scottish monarch insensible to the entreaty, or slow to answer the call. He received the fugi-

[1] Auchinleck Chronicle, p. 57.
[2] Extracta ex MS. Chronicis Scotiæ, fol. 389, r.
[3] Auchinleck Chronicle, p. 57.
[4] Carte, Hist. of England, vol. ii. pp. 750, 751.

tive queen and the youthful prince with much affection, assigned them a residence and allowance suitable to their rank; and having issued his writs for the assembly of his vassals, and commanded the Earl of Huntly, his lieutenant-general, to superintend the organising of the troops, he determined upon an immediate invasion of England. Previous, however, to this great expedition, which ended so fatally for the king, there had been a meeting of the three estates, which lasted for a considerable period, and from whose united wisdom and experience proceeded a series of regulations which relate almost to every branch of the civil government of the country. To these, which present an interesting picture of Scotland in the fifteenth century, even in the short sketch to which the historian must confine himself, we now for a few moments direct our attention.

The first subject which came before parliament is entitled concerning the "article of the session," and related to the formation of committees of parliament for the administration of justice. It was directed that the Lords of the Session should sit three times in the year, for forty days at a time, in Edinburgh, Perth, and Aberdeen; and that the court or committee which was to sit should be composed of nine judges, who were to have votes in the decision of causes, three being chosen from each estate, along with the clerk of the register. Their first sitting was directed to begin at Aberdeen on the 15th of June, and continue thenceforward for forty days; the second session was to commence at Perth on the 5th of October, and the third at Edinburgh on the 13th of February. The names of the persons to be selected from the clergy, the barons, and the burghers, as the different members of the session, were then particularly enumerated for the three several periods; and the sheriff was directed to be ready to receive them on their entry into the town, and undergo such trouble or charges as might be found necessary. In a succeeding statute, however, it was observed that, considering the shortness of the period for which the Lords of Session are to hold their court, and the probability that they will not be called upon to undertake such a duty more than once every seven years, they ought, out of their benevolence, to pay their own costs; and upon the conclusion of the three yearly sessions the king and his council promise to select other lords from the three estates, who should sit in the same manner as the first, at such places as were most convenient.[1]

The next subject to which the parliament directed their attention, regarded the defence of the country and the arming of the lieges. "Wapinschawings," or musters, in which the whole disposable force of a district assembled for their exercise in arms, and the inspection of their weapons, were directed to be held by the lords and barons, spiritual as well as temporal, four times in the year. The games of the football and the golf were to be utterly abolished. Care was to be taken that adjoining to each parish church a pair of butts should be made, where shooting was to be practised every Sunday; every man was to shoot six shots at the least; and if any person refused to attend, he was to be found liable in a fine of twopence, to be given to those who came to the bow-marks, or "wapinschawings," for drink money. This mode of instruction was to be used from Pasch to Allhallowmas; so that by the next midsummer it was expected that all persons would be ready, thus instructed and accoutred. In every head town of the shire there were to be a good bow-maker, and "a fledger" or arrow-maker. These tradesmen were to be furnished by the town with the materials for their trade, according as they might require them; and if the parish was large, according to its size, there were to be three or four or five bow-marks set up; so that every man within the parish, who was within fifty, and past twelve years of age, should be furnished with his weapons, and practise shooting; whilst

[1] Acts of the Parliament of Scotland, vol. ii. p. 48.

those men above this age, or past threescore, were directed to amuse themselves with such honest games[1] as were best adapted to their time of life, excepting always the golf and football.

There followed a minute and interesting sumptuary law, relative to the impoverishment of the realm by the sumptuous apparel of men and women; which, as presenting a vivid picture of the dresses of the times, I shall give as nearly as possible in the words of the original. It will perhaps be recollected, that in a parliament of James the First, held in the year 1429,[2] the same subject had attracted the attention of the legislature; and the present necessity of a revision of the laws against immoderate costliness in apparel, indicates an increasing wealth and prosperity in the country. "Seeing," it declared, "that each estate has been greatly impoverished through the sumptuous clothing of men and women, especially within the burghs, and amongst the commonality 'to landwart,' the lords thought it speedful that restriction of such vanity should be made in this manner. First, no man within burgh that lived by merchandise, except he be a person of dignity, as one of the aldermen or bailies, or other good worthy men of the council of the town, should either himself wear, or allow his wife to wear, clothes of silk, or costly scarlet gowns, or furring of mertricks;" and all were directed to take especial care "to make their wives and daughters to be habited in a manner correspondent to their estate; that is to say, on their heads short curches, with little hoods, such as are used in Flanders, England, and other countries; and as to the gowns, no woman should wear mertricks or letvis, or tails of unbefitting length, nor trimmed with furs, except on holydays."[3] At the same time, it was ordered, "that poor gentlemen living in the country, whose property was within forty pounds, of old extent, should regulate their dress according to the same standard; whilst amongst the lower classes, no labourers or husbandmen were to wear, on their work-days, any other stuff than gray or white cloth, and on holydays, light blue, green, or red—their wives dressing correspondently, and using curches of their own making. The stuff they wore was not to exceed the price of fortypence the ell. No woman was to come to the kirk or market with her face 'mussalit,' or covered, so that she might not be known, under the penalty of forfeiting the curch. And as to the clerks, no one was to wear gowns of scarlet, or furring of mertricks, unless he were a dignified officer in a cathedral or college-church, or a nobleman or doctor, or a person having an income of two hundred marks. These orders touching the dresses of the community, were to be immediately published throughout the country, and carried into peremptory and rigorous execution."[4]

Other regulations of the same parliament are worthy of notice; some of them evincing a slight approach towards liberty, in an attention to the interests of the middle and lower classes of the people, and a desire to get loose of the grievous shackles imposed by the feudal system upon many of the most important branches of national prosperity; others, on the contrary, imposing restrictions upon trade and manufactures, in that spirit of legislative interference which, for many ages after this, retarded commercial progress, and formed a blot upon the statute book of this country, as well as of England. With regard to "feu-farms," and their leases, it was thought expedient by the parliament that the king should begin and set a good example to the rest of his barons, so that if any estate happened to be in "ward," in the hands of the crown, upon which leases had been granted, the tenants in such farms should not be removed, but remain upon the land, paying to the king the rent which had been stipulated during the cur-

[1] See supra, p. 56.
[2] See supra, p. 77.
[3] Acts of the Parliament of Scotland, vol. ii. p. 49. The word *letvis* is obscure.
[4] Acts of the Parliament of Scotland, vol. ii. p. 49.

rency of the lease; and, in like manner, where any prelate, baron, or freeholder, wished to set either the whole or a part of his land in "feu-farm," the king was to be obliged to ratify such "assedations," or leases. With regard to "regalities," and the privileges connected with them, a grievance essentially arising out of the feudal system, it was declared that all rights and freedoms belonging to them should be interpreted by the strictest law, and preserved, according to the letter of their founding charter; and that any lord of regality who abused his privileges, to the breaking of the king's laws and the injury of the country, should be rigorously punished.[1]

In the same parliament it was made a subject of earnest request to the king that he would take into consideration the great miseries inflicted upon men of every condition, but especially upon his poor commons, by the manner of holding his itinerant chamberlain courts; and that, with the advice of his three estates now assembled, some speedy remedy might be provided. Another heavy grievance, removed at this time, was a practice which prevailed during the sitting of parliament, and of the session, by which the king's constables, and other officers, were permitted to levy a tax upon the merchants and tradesmen who then brought their goods to market, encouraged by the greater demand for their commodities. This was declared henceforth illegal, unless the right of exaction belonged to the constable "of fee," for which he must shew his charter.[2] An attempt was made in the same parliament to abolish that custom of entering into "bands or leagues," of which we have seen so many pernicious consequences in the course of this history. It was declared, that "within the burghs throughout the realm no bands or leagues were to be permitted, and no rising or commotion amongst the commons, with the object of hindering the execution of the common law of the realm, unless at the express commandment of their head officers;" and that no persons who dwelt within burghs should either enter into "manrent," or ride, or "rout" in warlike apparel, with any leader except the king, or his officers, or the lord of the burgh within which they dwelt, under the penalty of forfeiting their lives and having their goods confiscated to the king.[3]

With regard to those lawless and desperate, or, as they are termed in the act, "masterful persons, who did not scruple to seize other men's lands by force of arms, and detain them from their owners," application was directed to be instantly made to the sheriff, who, under pain of being dismissed from his office, was to proceed to the spot and expel such occupants from the ground, or, on their refusal, commit them to the king's ward; a service easily prescribed by the wisdom of the three estates, but, as they were probably well aware, not to be carried into execution except at the peril of the life of the officer to whom it was intrusted. All persons of every degree, barons, lords spiritual, or simple freeholders, were enjoined, when they attended the justice-ayres or sheriff courts, to come in sober and quiet manner, with no more attendants than composed their daily household, and taking care that on entering their inn or lodging, they laid their harness and warlike weapons aside, using for the time nothing but their knives; and where any persons at deadly feud should happen to meet at such assemblies, the sheriff was directed to take pledges from both, binding them to keep the peace; whilst, for the better regulation of the country at the period when justice-ayres were held, and in consequence of the great and mixed multitude which was then collected together, the king's justice was commanded to search for and apprehend all masterful beggars, all idle sornars, all itinerant bards and feigned fools, and either to banish them from the country, or commit them to the com-

[1] Acts of the Parliament of Scotland, vol. ii. p. 49.
[2] Ibid. vol. ii. p. 50.
[3] Acts of the Parliament of Scotland, vol. ii. p. 50.

mon prison. Lit, or dye, was to be "*cried up*," and no litstar or dyer was to follow the trade of a draper, or to be permitted to buy or sell cloth; whilst regarding the estate of merchandise, and for the purpose of restricting the multitude of "sailors," it was the unanimous opinion of the clergy, the barons, and the king, that no person should be allowed to sail or trade in ships but such as were of good reputation and ability; that they should have at the least three serplaiths of their own goods, or the same intrusted to them; and that those who traded by sea in merchandise ought to be freemen and indwellers within burghs.[1]

In the same parliament some striking regulations are met with regarding the encouragement extended to agriculture, and the state of the woods and forests throughout the country. Every man possessed of a plough and of eight oxen was commanded to sow, at the least, each year, a firlot of wheat, half a firlot of pease, and forty beans, under the penalty of ten shillings to the baron of the land where he dwelt, as often as he was found in fault; and if the baron sowed not the same proportions of grain, pease, and beans, in his own domains, he was to pay ten shillings to the king for his own offence, and forty shillings if he neglected to levy the statutory penalty against his husbandmen. The disappearance of the wood of Scotland under the reign of James the First, and the attention of the legislature to this subject, have already been noticed.[2] It appears from one of the provisions of this parliament, held by his successor, that some anxiety upon this subject was still entertained by the legislature; for we find it declared that, "regarding the plantation of woods and hedges, and the sowing of broom, the lords thought it advisable that the king should advise all his freeholders, both spiritual and temporal, to make it a provision in their Whitsunday's lease that all tenants should plant woods and trees, make hedges, and sow broom, in places best adapted, according to the nature of the farm, under a penalty to be fixed by the proprietor; and that care should be taken that the enclosures and hedges were not constructed of dry stakes driven into the ground, and wattled, or of dry worked or planed boards, but of living trees, which might grow and be plentiful in the land."[3]

With regard to the preservation of such birds and wild fowls as "are gainful for the sustentation of man," namely, partridge, plover, wild-ducks, and suchlike, it was declared that no one should destroy their nests or their eggs, or slay them in moulting time when unable to fly; and that, on the contrary, all manner of persons should be encouraged, by every method that could be devised, utterly to extirpate all "fowls of reiff," such as erns, buzzards, gleds, mytalls, rooks, crows, wherever they might be found to build and harbour; "for," say the three estates, "the slaughter of these will cause the multiplication of great multitudes of divers kinds of wild fowls for man's sustentation." In the same spirit, red-fish, meaning salmon and grilse, were forbidden to be taken in close time under a fine of forty pounds; and no manner of vessel, creel, or other contrivance, was to be used for the purpose of intercepting the spawn or smelt in their passage to the sea, under the like penalty.

Touching the destruction of the wolf, it was enjoined by the parliament that where such animals were known to haunt, the sheriff, or the bailies of the district, should assemble the population three times in the year, between St Mark's day and Lammas, which is the time of the whelps; and whoever refused to attend the muster should be fined a wedder, as is contained in the old act of James the First on this subject. He who slew a wolf was to be entitled to a penny from every household in the parish where it was killed, upon bringing the head to the sheriff; and if he brought the head of a fox, he was to receive sixpence from

[1] Acts of the Parliament of Scotland, vol. ii. p. 49.

[2] See supra, p. 61.

[3] Acts of the Parliament of Scotland, vol. ii. p. 51.

the same officer. The well-known enactment passed in the reign of James the First, against leasing-making, or the crime of disseminating false reports, by which discord might be created between the king and his subjects, was confirmed in its full extent; and the statutes of the same prince regarding the non-attendance of freeholders in parliament whose holding was under forty pounds; the use of one invariable "measure" throughout the realm; the restriction of "muir burning" after the month of March, till the corn had been cut down; and the publication of the acts of the legislature, by copies given to the sheriffs and commissaries of burghs, which were to be openly proclaimed and read throughout their counties and communities, were repeated, and declared to be maintained in full force.

The enactments of the parliament concluded by an affectionate exhortation and prayer, which it would injure to give in any words but its own: "Since," it declared, "God of His grace had sent our sovereign lord such progress and prosperity, that all his rebels and breakers of justice were removed out of his realm, and no potent or masterful party remained there to cause any disturbance, provided his highness was inclined himself to promote the peace and common profit of the realm, and to see equal justice distributed amongst his subjects; his three estates, with all humility, exhorted and required his highness so diligently to devote himself to the execution of these acts and statutes above written, that God may be pleased with him, and that all his subjects may address their prayers for him to God, and give thanks to their heavenly Father, for His goodness in sending them such a prince to be their governor and defender."[1] Such was the solemn conclusion of the last parliament of James of which any material record has been preserved; for, although we have certain evidence of three meetings of the great council of the nation subsequent to this, the fact is only established by insulated charters, which convey no information of their particular proceedings. The peroration is affectionate, but marked, also, with a tone of honest freedom approaching to remonstrance. It might almost lead us to suspect that James's late unjustifiable proceedings, regarding the earldom of Mar, had occasioned some unquiet surmisings in the minds of his nobility, that he possibly intended to use the excuse afforded him by the reiterated rebellion of the Douglases to imitate the designs of his father, and to attempt to complete the scheme for the suppression of the aristocracy of the kingdom, which had cost that monarch his life.

In the meantime, however, the king assembled his army. An acute writer has pronounced it difficult to discover the pretences or causes which induced James to infringe the truce;[2] but we have only to look to the captivity of Henry the Sixth, the triumph of the Yorkists in the battle of Northampton, and the subsequent flight of the Queen of England to the Scottish court, to account satisfactorily for the invasion. James was bound, both by his personal friendship and connexion with Henry, by a secret treaty, already alluded to, and by his political relations with France, the ally of the house of Lancaster, to exert himself for its restoration to the throne; and it has already been shewn that, by the articles of the treaty, his assistance was not to go unrewarded. As long, however, as Henry and his energetic queen had the prospect of reducing the opposition of the house of York, and, by their unassisted efforts, securing a triumph over their enemies, the invasion of the Scottish monarch would have detracted from the popularity of their party, and thrown an air of odium even over their success; but now that the king was a captive in the hands of his enemies, and his queen a fugitive in a foreign land, the assistance of James, and the fulfilment of the stipulations of the treaty, were

[1] Acts of the Parliament of Scotland, vol. ii. p. 52.

[2] Pinkerton, Hist. of Scotland, vol. i. p. 242.

anxiously required. The only key to the complicated understanding of the transactions of Scotland during the wars of the Two Roses, is to recollect that the hostilities of James were directed, not against England, but against the successes of the house of York.

Since the calamitous battle of Durham, and the captivity of David the Second, a period embracing upwards of a hundred years, the important frontier fortress of Roxburgh had been in the possession of England. It was now commanded by Neville, lord Fauconberg,[1] a connexion of the Earl of Warwick, the principal supporter of the cause of the Yorkists, and James determined to commence his campaign by besieging it in person. On being joined, accordingly, by the Earl of Huntly, his lieutenant-general, and the Earl of Angus, who had risen into great estimation with his sovereign from the cordial assistance which he had given in the suppression of the rebellion of Douglas, the king proceeded across the Borders, at the head of an army which was probably superior in numbers to that which he had lately conducted against England. He was joined also by the Earl of Ross, to whom we have seen that he had extended a conditional pardon, and who, eager to prove himself worthy of an entire restoration to the royal favour, came to the camp with a powerful body of his fierce and warlike vassals.[2] The siege was now opened, but it was destined to receive a sudden and melancholy interruption. The king, who had carried along with the army some of those rude pieces of ordnance which began now to be employed in Scottish war,[3] proceeded, in company with the Earl of Angus, and others of his nobility, to examine a battery which had begun to play upon the town. Of the cannon which composed it, one was a great gun of Flemish manufacture, which had been purchased by James the First, but little employed during his pacific reign. It was constructed of longitudinal bars of iron, fixed with iron hoops, which were made tight in a very rude manner, by strong oaken wedges. This piece, from the ignorance of the engineer, had been overcharged, and as the king stood near, intently observing the direction of the guns, it unfortunately exploded, and struck the monarch with one of its massy wooden wedges in the body. The blow was followed by instant death,[4] having fallen upon the mortal region of the groin, and broken the thigh; whilst the Earl of Angus, who stood near, was severely wounded by the same fragment.[5]

An event so lamentable, which cut off their prince in the sight of his army, whilst he was yet in the flower of his strength, and in the very entrance of manhood, was accompanied by universal regret and sorrow; and, perhaps, there is no more decisive proof of the affection with which the nobility were disposed to regard the monarch, thus untimely snatched from them, than the first step which they adopted, in despatching a message to the court, requiring the immediate attendance of the queen, with a strict injunction to bring her eldest son, the prince, now king, along with her.[6] Nor was the queen-mother, although overpowered by the intelligence of her husband's death, of a character which, in the over-indulgence of feminine

[1] Ayloffe's Calendars of Ancient Charters, p. 281.

[2] The Auchinleck Chronicle, p. 57, says, "The yer of God, 1460, the thrid Sunday of August, King James the Secund, with ane gret oist, was at the sege of Roxburgh."

[3] Barbour, p. 392, informs us, that at the skirmish on the Were, in 1327, the Scots observed two marvellous things in the English army, which were entirely new to them:—

"Tymmeris for helmys war the tane,
The tothyr crakys were of weir."

These "crakys of weir" were in all probability the first attempts to use cannon; but although Froissart asserts that, in Scotland, guns were used at the siege of Stirling, in 1339, the fact is exceedingly doubtful.

[4] MS. Extracta ex Chronicis Scotiæ, f. 289. "Casus iste de morte regis si dici potest, longo ante, ut fertur, preostensa est regi, per quendan Johannem Tempelman, qui fuit pater Domini Willmi Tempelman, Superioris Monasterii de Cambuskenneth, qui dum gregem in Montibus Ochillis." Here the manuscript abruptly breaks off without concluding the tale of wonder.

[5] Lesley, Hist. p. 31.

[6] Auchinleck Chronicle, p. 57.

sorrow, was likely to forget the great duties which she owed to her son. Attended by a small suite, in which were some of the prelates who formed the wisest counsellors of the deceased monarch, she travelled night and day to Roxburgh, and soon presented herself in the midst of the army, clothed in her weeds, and holding in her hand the little prince, then a boy of only eight years of age, whom, with tears, she introduced to them as their king. The sight was well calculated to arouse to a high pitch the feelings of loyalty and devotedness; and availing herself of the enthusiasm of the moment, she with a magnanimity and vigour which did her honour, besought the nobles to continue the siege, and earnestly deprecated the idea of breaking up the leaguer, or disbanding the army, before they had made themselves masters of a fortress, the possession of which was of the first importance to Scotland. Heart-broken as she was with the loss of her beloved lord, she would rather celebrate his obsequies, she said, by the accomplishment of a victory which he had so much at heart, than waste the time in vain regrets and empty lamentations. And such was the effect of her appeal, that the leaders of the army, and the soldiers themselves, catching the ardour with which she was animated, instantly recommenced the attack, and, pressing the assault with the most determined fury, carried the castle by storm, on the very day of her arrival in the camp.[1]

It must be recollected that James had not completed his thirtieth year when he met his death in this untimely manner; and of course the greater portion of his life and reign was occupied by a minority, during which the nation was in that state of internal disorganisation so lamentably frequent where such an event occurs under a feudal government. Taking this into consideration, we need not hesitate to pronounce him a prince of unusual vigour and capacity; and perhaps the eulogium of Buchanan, no obsequious granter of praise to kings, is one of the strongest proofs of this assertion. His wisdom in the internal administration of his kingdom was conspicuously marked by the frequency with which he assembled his parliament, and by a series of zealous and anxious, if not always enlightened, laws for the regulation of the commerce, and the encouragement of the agriculture of the country, for the organisation of the judicial departments, and the protection of the middling and lower classes of his subjects, whether farmers, artisans, or merchants. His genius in war was not exhibited in any great military triumphs, for he was cut off in the outset of his career; but the success with which he put down, by force of arms, the repeated rebellions of some of the most powerful of his nobility; the attention which he paid to the arming of his subjects, and the encouragement of warlike exercises amongst the people; his directions to his higher nobles to devote themselves to the study of artillery and the construction of cannon; and the ardour with which he appears to have engaged in his first war with England, although it does not justify the hyperbolical panegyric of Abercromby and Johnson, entitles us to believe, that in a military contest with England, the national honour would not have been sullied in his hands. It is not improbable, however, that, had he lived a little longer, his maturer wisdom and experience would have considered even a successful war, which was not undertaken for the purposes of national defence, a severe calamity, rather than a subject of glory or congratulation.

His policy of employing the most able and enlightened amongst the clergy as his chief ministers, to whom he intrusted his foreign negotiations, as well as the chief offices in the judicial and financial departments of the government, was borrowed from the example of his father, but improved upon, and more exclusively followed by the wisdom of the son; whilst his discrimination in selecting for the military enterprises in which he was

[1] Lesley, Hist. p. 32.

engaged, such able commanders as Huntly and Angus, and that judicious union of firmness and lenity by which he ultimately disarmed of their enmity, and attached to his interest, such fierce spirits as the Earl of Crawford and the Lord of the Isles, do equal honour to the soundness of his judgment, and to the kindly feelings of his heart. That he was naturally of a violent and ungovernable temper, the unjustifiable assassination of Douglas too lamentably demonstrated; but the catastrophe appears to have made the deepest impression upon a youthful mind which, though keen, was of an affectionate temperament fitted to feel deeply the revulsion of remorse; and the future lenity of a reign fertile in rebellion, is to be traced perhaps to the consequences of his crime, and the lessons taught him by his repentance.

In estimating his character, another subject for praise is to be found in the skill with which he divided into separate factions an aristocracy which, under any general or permanent combination, would have been far too powerful for the crown; in the art by which he held out to them the prospect of rising upon the ruins of their associates in rebellion, and, by a judicious distribution of the estates and the dignities which were set afloat by treason, induced them to destroy, or at least to weaken and neutralise the strength of each other. This policy, under the management of such able ministers as Kennedy and Crichton, was his chief instrument in carrying to a successful conclusion one of his most prominent enterprises, the destruction of the immense and overgrown power of the house of Douglas, an event which is in itself sufficient to mark his reign as an important era in the history of the country.

The person of this prince was robust, and well adapted for those warlike and knightly exercises in which he is said to have excelled. His countenance was mild and intelligent, but deformed by a large red mark on the cheek, which has given him, amongst contemporary chronicles, the surname of "James with the fiery face." By his queen he left three sons: James, his successor, Alexander, duke of Albany, and John, earl of Mar; and two daughters: Mary, who took to her first husband Lord Boyd, and afterwards Lord Hamilton, and Margaret, who married Sir William Crichton, son of the chancellor. From a charter which is quoted by Sir James Balfour, it would appear that he had another son, named David, created Earl of Moray, who, along with a daughter, died in early infancy.[1]

CHAPTER IV.

JAMES THE THIRD.

1460—1488.

SCOTLAND, once more exposed to the danger and the woe pronounced upon the nation whose king is a child, was yet entitled to expect a pacific commencement of the minority, from the wisdom and experience of the queen-mother, the apparent union amongst the nobility, and the sage counsels of the chief ministers of the late king,

[1] Sir Lewis Stewart's MS. Collections, Ad. Library, and Extracta ex Chronicis Scotiæ, MS. Ad. Library, f. 288.

who, from attachment to the father, were likely to unite for the support of the son. Immediately after the surrender of the fortress of Roxburgh, which was dismantled, and the demolition of Wark castle, which had been stormed by another division of the army, the further prosecution of the war was intermitted, and the nobility conducted their monarch, then only eight years old, to the monastery of Kelso, where he was crowned with the accustomed pomp and solemnity, more than a hundred knights being made to commemorate the simultaneous entrance of the prince into the state of chivalry, and his assumption of his hereditary throne.[1] The court then removed to Edinburgh, where the remains of the late king were committed to the sepulchre in the venerable abbey of Holyrood.[2]

We have already seen that at this moment the neighbouring nation of England was torn and distracted by the wars of York and Lancaster; and the captivity of Henry the Sixth, the ally of Scotland, with the escape of his queen, and her son, the prince, into that country, are events belonging to the last reign. Immediately after the royal funeral, intelligence was brought that this fugitive princess, whose flight had lain through Wales, was arrived at Dumfries, where she had been received with honour, and had taken up her residence in the college of Lincluden. To this place the queen-mother of Scotland, with the king and the royal suite, proceeded, and a conference took place relative to the public affairs of both kingdoms, of which, unfortunately, we have no particular account, except that it lasted for twelve days. A marriage was talked of between the English prince and the sister of the King of Scotland, but the energetic consort of the feeble Henry required more prompt and warlike support than was to be derived from a distant matrimonial alliance, and, encouraged by the promise of a cordial co-operation upon the part of Scotland, she returned with haste to York, and there, in a council of her friends, formed the resolution of attacking London, and attempting the rescue of her captive husband. The complete triumph of this princess at Wakefield, where she totally routed the army of the Duke of York, once more, though for a brief period, confirmed the ascendancy of the house of Lancaster; and Scotland, in the re-establishment of her ally upon the throne, anticipated a breathing time of peace and tranquillity.[3]

But the elements of civil commotion existed in the habits of the people and the constitution of the country. In the north, the fertile region of all confusion and rapine, Allan of Lorn of the Wood, a sister's son of Donald Balloch, had seized his elder brother, Ker of Lorn, and confined him in a dungeon in the island of Kerweray.[4] Allan's object was to starve his victim to death, and succeed to the estate; but the Earl of Argyle, who was nearly related to the unfortunate baron, determined to rescue him; and arriving suddenly with a fleet of war galleys, entirely defeated this fierce chief, burnt his fleet, slew the greater part of his men, and restored the elder brother to his rightful inheritance. This, although apparently an act of justice, had the usual effect of rousing the whole body of the Island lords, and dividing them into various parties, animated with a mortal hostility against each other, and these issued from their ocean-retreats to plunder the islands, to make descents upon the continent, and to destroy and murder the unhappy persons who refused to join their banner, or engage in such atrocities.[5]

In the meantime it was thought expedient that writs should be issued in the royal name for the meeting of the parliament, which assembled at Edinburgh on the 23d of February 1460. It was fully attended, not only by the whole body of the prelates, to whose wisdom and experience the

[1] Auchinleck Chronicle, p. 58.
[2] Extracta ex Chronicis Scotiæ, fol. 289. "Medium circiter chorum."
[3] Auchinleck Chronicle, p. 58. Carte, Hist. of England, vol. ii. p. 757.
[4] *i.e.*, Kerrera.
[5] Auchinleck Chronicle, pp. 58, 59.

people anxiously looked for protection, and by the great southern barons, but by the Earl of Ross, Lord of the Isles, and a multitude of independent Highland chiefs, whose hands were scarce dry from the blood which they had lately shed in their domestic broils, and who came, not so much from feelings of affection to the crown, as with the desire of profiting by the changes and the insecurity which they knew to be the attendants upon a minority. Unfortunately no records remain of the transactions of this first parliament of James the Third. It is certain, however, that the debates and divisions of the aristocracy were carried on with a virulence which augured ill for the kingdom, and rendered abortive, in a great measure, the deliberations of the friends of order and good government. These, however, so far succeeded as to procure the appointment of sessions for the distribution of justice to be held at Aberdeen, Perth, and Edinburgh. The keeping of the king's person, and the government of the kingdom, were committed, for the present, to the queen-mother; and this prudent princess, distrusting the higher nobles who commanded some of the principal fortresses, removed the governors of Edinburgh, Stirling, and Dunbar, and replaced them by those amongst her own servants, upon whose fidelity she could rely.[1] It was impossible that such decided measures should not excite dissatisfaction amongst a large proportion of the aristocracy, "who," in the words of a contemporary chronicle, "loudly complained against those persons, whether of the temporal or spiritual estate, who committed to a woman the government of a powerful kingdom." In other words, they murmured that the plunder and peculation which they had eagerly anticipated as the ministers of a minor sovereign, were not likely to be permitted under the energetic government of the queen.

In the absence of authentic evidence, it is difficult to ascertain the exact measures which were adopted in the constitution of the new government immediately subsequent to the death of the king. According to Lesley, a council of regency was formed under the direction of the queen-mother. By another, and, as it seems, a more probable account, the chief management of affairs was intrusted to Kennedy, bishop of St Andrews; and it is certain that the choice could not have fallen upon one more fitted, from his exemplary probity, and his eminent talents and experience, to guide the state amid the difficulties with which it was surrounded. This his conduct in office during the late reign had sufficiently demonstrated; and his present appointment to be the principal minister of the crown, was a pledge given by the queen that, however thwarted and opposed by the selfish spirit of the great body of the nobles, it was at least her wish that the government should be administered with justice and impartiality. The office of chancellor was, about the same time, conferred on Lord Evandale, a nobleman of considerable ability, who had enjoyed the advantage of a more learned education than generally fell to the lot of the rude barons of his age, and who had experienced the confidence and friendship of the late king. The high situation of Justiciar of Scotland was committed to Robert, lord Boyd; the care of the privy seal intrusted to James Lindsay, provost of Lincluden, who was said to be admitted into the most secret councils of the queen; James, lord Livingston, was promoted to the lucrative and responsible dignity of chamberlain, whilst Liddele, rector of Forres, was made secretary to the king, David Guthrie of Kincaldrum treasurer, and Sir John Colquhoun of Luss comptroller of the household.[2]

It was about this time that the King of France, who had been chosen arbitrator in the dispute between the crowns of Norway and Scotland, delivered his final judgment upon the subject. It has been already explained that this serious difference, which

[1] Auchinleck Chronicle, p. 59. Lesley, Hist. p. 33.

[2] Crawford's Officers of State, p. 37. Ibid. p. 313. Rymer, Fœdera, vol. xi. p. 476.

threatened to involve the two kingdoms in war, originated in a claim made by the Norwegian monarch for the arrears of the "annual of Norway," the sum payable by Scotland to that kingdom for the possession of the Western Isles and Man. By an original treaty between Magnus, king of Norway, and Alexander the Third, which was concluded in 1286, a certain penalty had been imposed, upon failure on the part of Scotland to pay the yearly quit-rent; and the Norwegian commissioners insisted that the original autograph of this treaty should be produced by the Scottish ambassadors, Patrick Fokart, captain of the King of France's guard, and William de Monipenny, lord of Concressault, alleging that they would prove, from the terms in which it was drawn up, that an arrear of forty-four thousand marks was due from the Scottish government to the King of Norway. This demand the Scottish envoys eluded. They alleged that the original deed was in the hands of Kennedy, the Provost of St Andrews, who was then sick in Flanders, at a great distance from the spot where the convention was held, and insinuated that the treaty had rather been neglected than infringed; that no demands having been, for a long period, made by Norway, Scotland was almost justified in considering the claim as having been cut down by desuetude.

Unable, from the want of the original document, to decide this point, and anxious to avoid the prolongation of the conference, Charles the Seventh proposed that the disputes should be brought to an amicable termination by a marriage between the eldest son of James the Second, and Margaret, the daughter of the King of Norway. Upon this subject the plenipotentiaries of either power, although they intimated that they had no authority to come to a final agreement, declared their willingness to confer with their governments. It was stated by the Scottish ambassadors that the terms which they should be inclined to propose, would be the renunciation by Norway of all claim for arrears, the cession to Scotland of the islands of Shetland and the Orkneys, and the payment of the sum of a hundred thousand crowns for the feminine decorations, or, in more familiar phrase, the pin-money, of the noble virgin; whilst, upon their part, they engaged that their royal master should settle upon the princess a dowry suitable to her rank. At this moment, and apparently before the Norwegian commissioners had returned any answer to the proposal, accounts of the death of James the Second before Roxburgh reached Bourges, where the convention was held, and the negotiations were brought to an abrupt conclusion; but a foundation had been laid for a treaty highly advantageous to Scotland; and the advice of the royal umpire, Charles the Seventh, that the two countries should be careful to continue in the Christian fellowship of peace till the youthful parties had reached a marriageable age, and the intended union could be completed, appears to have been wisely followed by the ministers of both kingdoms.[1]

In the meantime, events of an interesting and extraordinary nature occurred in England. The battle of Wakefield had replaced the sceptre in the hands of the feeble Henry, and the bleeding head of the Duke of York, laid at the feet of his masculine antagonist, the queen, was received by her as a pledge that her misfortunes were to be buried in the grave of this determined enemy of her house. Yet, within little more than two months, the star of York once more assumed the ascendant, and the total and sanguinary defeat of the Lancastrians in the decisive battle of Touton again drove Henry and his consort into exile in Scotland. So complete had been the dispersion and slaughter of their army, and so immediate and rapid the flight, that their suite, when they arrived, consisted only of six persons.[2] They were received, however, with much distinction; the warmest sympathy was expressed for their misfortunes; and the queen-mother, with

[1] Torfæus, pp. 185, 186.
[2] Hall, 256. Paston Letters, i. 219.

the counsellors of the youthful monarch, held various conferences on the most prudent measures to be adopted for the restoration of their unfortunate ally to his hereditary throne. The difficulties, indeed, which presented themselves in the prosecution of such a design, were by no means of a trifling description. It was evident to the good sense and mature experience of Kennedy, who held the chief place in the councils of the Scottish queen, that, upon the accession of a minor sovereign, the first object of his ministers ought to be to secure the integrity of his dominions and the popularity of his government at home. Yet this, at the present moment, was no easy task. On the side of the Highlands and the Isles, Edward the Fourth had already commenced his intrigues with two of the most potent and warlike chiefs of those districts, whose fleets and armies had repeatedly broken the tranquillity of the kingdom, John, earl of Ross, and Donald Balloch, commonly called Mac Ian Vor of Isla. To meet these two barons, or their ambassadors, for they affected the state of independent princes, the English monarch despatched the banished Earl of Douglas, and his brother, John Douglas of Balveny, who had sunk into English subjects, and were animated by a mortal antipathy against the house of James the Second.[1] On the side of Norway, the differences regarding the claims of that government, although they had assumed, under the mediation of the French monarch, a more friendly aspect, were still unsettled; and a war with England, unless undertaken on the necessary ground of repelling an unjust attack, appeared likely to lead to serious misfortune, and even, if crowned with success, could bring little permanent advantage. Yet to desert an ally in misfortune, to whom he was bound by the faith of repeated treaties, would have been unjust and ungenerous, and Henry, or rather his queen, without affecting to be blind to the sacrifice which must be made if Scotland then declared war, offered to indemnify that country by the immediate delivery of the two important frontier towns of Berwick and Carlisle.[2] The prize thus offered was too alluring to be refused; and although Edward had previously shewn a disposition to remain on friendly terms, the occupation of so important a town was considered as an open declaration of hostility, and called for immediate exertion.

Personally engrossed, however, by the unsettled state of his own kingdom, he determined to invade Scotland, and, if possible, expel the reigning family by means of those powerful and rebellious chiefs which it held within its own bosom, assisted by the banished Douglases. We find, accordingly, that in a council of their vassals and dependants, held at Astornish, on the 19th of October, the Earl of Ross, along with Donald Balloch, and his son John de Isla,[3] despatched their ambassadors to meet with the English envoys, who, in a negotiation at Westminster, concluded a treaty with Edward IV., which embraced some extraordinary conditions. Its basis was nothing less than the contemplated conquest of Scotland by the army of the island lord and the auxiliaries to be furnished by Edward. The Lord of the Isles, upon payment of a stipulated sum of money to himself, his son, and his ally, agreed to become for ever the sworn vassal of England, along with the whole body of his subjects, and to assist him in the wars in Ireland, as well as elsewhere. In the event of the entire subjugation of Scotland by the Earls of Ross and Douglas, the whole of the kingdom to the north of the Scottish Sea, or Firth of Forth, was to be divided equally between Douglas, Ross, and Donald Balloch; whilst Douglas was to be restored to the possession of those estates between the Scottish Sea and the Borders of England, from which he was now excluded; and upon such partition and restoration being carried into effect, the salaries payable by England

[1] Rymer, vol. xi. p. 474. Rotuli Scotiæ, vol. ii. p. 402.

[2] Rolls of Parliament, vol. v. p. 478.

[3] Gregory's Hist. of the Western Islands, pp. 47, 48.

to Ross and his associates, as the wages of their defection, were to cease. This remarkable treaty is dated at London, on the 13th of February 1462.[1]

Whilst these important transactions were taking place in England, Henry, the exheridated monarch, in his asylum at the Scottish court, engaged the Earl of Angus, one of the most powerful subjects in Scotland, by the promise of an English dukedom, to grant him his assistance in the recovery of his dominions;[2] but before any regular plan could be organised, the Earl of Ross, faithful to his promises to Edward, assembled an army. The command of this force he intrusted to his natural son, Angus, and this fierce chief, assisted by the veteran Donald Balloch, at once broke into a rebellion, which was accompanied by all those circumstances of atrocity and sacrilege that distinguished the hostilities of these island princes. Ross proclaimed himself King of the Hebrides, whilst his son and Donald Balloch, having taken possession of the castle of Inverness, invaded the country of Athole, published a proclamation, that no one should dare to obey the officers of King James—commanded all taxes to be henceforth paid to Ross—and, after a cruel and wasteful progress, concluded the expedition by storming the castle of Blair, and dragging the Earl and Countess of Athole from the chapel and sanctuary of St Bridget, to a distant prison in Isla.[3] Thrice did Donald attempt, if we may believe the historian, to fire the holy pile which he had plundered—thrice the destructive element refused its office—and a storm of thunder and lightning, in which the greater part of his war-galleys were sunk, and the rich booty with which they were loaded consigned to the deep, was universally ascribed to the wrath of heaven, which had armed the elements against the abettor of sacrilege and murder. It is certain, at least, that this idea had fixed itself with all the strength of remorse and superstition in the mind of the bold and savage leader himself; and such was the effect of the feeling, that he became moody and almost distracted. Commanding his principal leaders and soldiers to strip themselves to their shirt and drawers, and assuming himself the same ignominious garb, he collected the relics of his plunder, and, proceeding with bare feet, and a dejected aspect, to the chapel which he had so lately stained with blood, he and his attendants performed penance before the altar. The Earl and Countess of Athole were immediately set free from their prison—and Angus, abandoned as it was believed by heaven, at last ignominiously perished by the dagger of an Irish harper, whose resentment he had provoked.[4]

It does not appear that any simultaneous effort of the banished Earl of Douglas, who at this time received from England a yearly pension of five hundred pounds, co-operated with the rebellion of Ross; so that this formidable league, which threatened nothing less than the conquest and dismemberment of Scotland, expired in a short and insulated expedition, and fell to pieces before the breath of religious remorse. Meanwhile the masculine and able consort of Henry the Sixth was indefatigable in her efforts to regain the power which she had lost. With a convoy of four Scottish ships she sailed from Kirkcudbright to Bretagne, and there prevailed upon the duke to advance the sum of twelve thousand crowns. From Bretagne she passed to her father, the King of Sicily, at this time resident at Anjou, and thence proceeded to the court of France, where her promise to surrender Calais the moment she was reseated on her throne in England, induced Lewis the Eleventh to assist her with a force of two thousand men, under the command of the Sieur de Brézé, seneschal

[1] Rotuli Scotiæ, vol. ii. p. 407.

[2] Hume of Godscroft, vol. ii. pp. 21, 22, quotes from the original treaty, which he had seen: "And so the treaty was sealed and subscribed with a Henry as long as the whole sheet of parchment; the worst shapen letters, and the worst put together, that I ever saw."

[3] Gregory's Hist. of the Western Islands, p. 48.

[4] Lesley, p. 34, Bannatyne edition. Bocce, p. 383; and MS. note communicated by Mr Gregory.

of Normandy, and a sum of twenty thousand livres.[1] With this little army, the English queen disembarked near Bamborough, under the confident expectation that the popularity of the house of Lancaster, and the prompt assistance of the Scots, would soon recruit the ranks of her army, and enable her to triumph over the power of the usurper. But she was cruelly disappointed. On her first landing, indeed, the fortresses of Alnwick and Dunstanburgh surrendered, and were occupied by the troops of the Lancastrians; but before the Scottish auxiliaries, under the command of Angus, could march into England, Edward the Fourth, in person, along with the Earl of Warwick, advanced, by rapid marches, at the head of a numerous army, and compelled the queen and her foreign ally to fly to their ships. The Seneschal of Normandy, however, left his son in command of Alnwick, at the head of the French auxiliaries, whilst Bamborough castle was committed to the Duke of Somerset and the Earl of Pembroke; but it was impossible for the Queen of England to struggle against the adverse accidents which pursued her. A storm attacked and dispersed her fleet; and it was with infinite difficulty and danger that she succeeded in putting into Berwick.[2] Brézé, the seneschal, after witnessing the wreck of his best ships, and the capture of his troops by Ogle and Manners, two of Edward's officers, was glad to escape in a fishing-boat from Holy Island; and although the Earl of Angus, at the head of a considerable Scottish force, gallantly brought relief to the French auxiliaries who were shut up in Alnwick, and carried off the garrison in safety, in the presence of the English army, the expedition concluded with Edward becoming master of the castles of Bamborough, Dunstanburgh, and Alnwick, whilst Margaret once more fled to the continent, and sought an asylum at her father's court.

[1] Wyrecestre, p. 492. Carte, Hist. of England, vol. ii. p. 766.

[2] Wyrecestre, p. 495. Leland, Coll. vol. i. part ii. p. 499.

In the midst of these calamities which befell her sister-queen and ally, it appears that the Queen-dowager of Scotland had consented to a personal interview with the Earl of Warwick, as the accredited ambassador of Edward the Fourth. The object of the negotiation was an artful proposal of this handsome and victorious prince, for a marriage between himself and the widowed queen, who was then in the bloom of her years, and possessed of many personal charms. Although this negotiation ultimately came to nothing, and indeed the notoriety of the queen's intrigue with the Duke of Somerset,[3] and the suspicions previously breathed against her character, rendered it difficult to believe that Edward was in earnest, still the agitation of such an alliance had the effect of neutralising the party against England, and diminishing the interest of Henry the Sixth at the Scottish court. The death also of his powerful ally, the Earl of Angus, which appears to have taken place about this time, greatly weakened his party; and this ill-fated prince, after having testified his gratitude for the honourable reception and great humanity which he had experienced from the provost and citizens of Edinburgh, by granting to them the same freedom of trade to all English ports which was enjoyed by the citizens of London,[4] once more repaired to England, there to make a last effort for the recovery of his kingdom.

The nobles of Scotland, at this moment, were divided into two parties, known by the name of the young and the old lords:[5] the first supported by the powerful countenance of the queen-mother and Bishop Kennedy, anxious for lasting peace with England, and eager to promote it by the sacrifice of the cause of Henry, which was justly considered desperate; the second, led by the Earl of Angus, and after his death, headed, in all probability, by his son and successor, or rather by the tutors and protectors of this youthful

[3] Wyrecestre, p. 495.

[4] Maitland's History of Edinburgh, p. 8.

[5] Paston Letters, vol. i. p. 270.

chief. The sudden death of the queen-mother, Mary of Gueldres, in the prime of her years and her beauty, which took place on the 16th of November 1463,[1] does not appear to have weakened the interest of Edward, or thrown any additional weight into the hands of the partisans of Henry; on the contrary, the event was followed by immediate and active negotiations for peace; and soon after the battle of Hexham, a defeat which gave the death-blow to the Lancastrian faction in England, a solemn convention was held between the commissioners of both countries. It was attended, on the part of England, by the Earls of Warwick and Northumberland; and on that of Scotland, by the Bishop of Glasgow and the Earl of Argyle, with the Lords Livingston, Boyd, and Hamilton; and it concluded in a fifteen years' truce, embracing, as one of its principal conditions, that "the King of Scotland should give no assistance to Henry, calling himself King of England, to Margaret his wife, Edward his son, or any of his friends or supporters."[2]

Amidst these transactions there gradually arose in Scotland another powerful family, destined to act a prominent part in the public affairs of the kingdom, and to exhibit the frequently-repeated spectacle of office and authority abused for the lowest and most selfish ends. I allude to the exaltation of the Boyds, whose rapid advancement to the possession of the supreme power in the state, and the custody of the king's person, is involved in considerable obscurity. The power of the imperious house of Douglas was now extinguished; it had been succeeded by the domination of the Earl of Angus, which was at first checked by the influence of the queen-mother, and had lately sunk into a temporary weakness by the minority of the young earl. In these circumstances, an opening seems to have been left for the intrusion of any able, powerful, and unscrupulous adventurer, who should unite in his own favour the broken and scattered families of the aristocracy, and, imitating the audacious policy of the Livingstons in the earlier part of the reign of James the Second, obtain exclusive possession of the king's person, and administer at his will the affairs of the government. Such a leader arose in the person of Robert, lord Boyd, whose ancestor had done good service to the country under the reign of Bruce, and who himself, probably through the influence of Bishop Kennedy, had been created a peer in an early part of the present reign. The brother of this nobleman, Sir Alexander Boyd, is celebrated, in the popular histories of this reign, as a mirror of chivalry in all noble and knightly accomplishments, and upon this ground he had been selected by the queen-mother and Kennedy as the tutor of the youthful prince in his martial exercises.[3] To acquire an influence over the affections of a boy of thirteen, and to transfer that influence to his brother, Lord Boyd, who was much about the royal person, was no difficult task for so polished and able a courtier as Sir Alexander; but it appears singular that the selfishness and ambition of his character, as well as that of his brother, should have escaped the acute discernment of Kennedy; and yet it seems probable that some months previous to the death of this excellent prelate, the Boyds had formed a strong party in the state, the object of which was to usurp the whole power in the government, and secure the exclusive possession of the king's person.

This may be presumed from a remarkable indenture, dated at Stirling on the 10th of February 1465,[4] the contents of which not only disclose to us the ambition of this family, and the numerous friends and adherents whom they had already enlisted in their service, but throw a strong light upon the unworthy methods by which such confederacies were maintained amongst the members of the Scottish aristocracy. The agreement bears to have

[1] Lesley, p. 36.

[2] Rymer, vol. xi. p. 510. Rotuli Scotiæ, vol. ii. p. 412. Abercromby, vol. ii. p. 390.

[3] Paston Letters, vol. i. pp. 270, 271.

[4] *i.e.*, 10th February 1465-6.

been entered into betwixt honourable and worshipful lords, Robert, lord Fleming, on the one side, and Gilbert, lord Kennedy, elder brother of the bishop, and Sir Alexander Boyd of Duchol, knight, upon the other; and it declared that these persons had solemnly bound themselves, their kin, friends, and vassals, to stand each to the other, in "afald kindness, supply, and defence," in all their causes and quarrels in which they were either already engaged, or might happen to be hereafter engaged, during the whole continuance of their lives. Lord Fleming, however, it would seem, had entered into a similar covenant with the Lords Livingston and Hamilton; and these two peers were specially excepted from that clause by which he engaged to support Kennedy and Boyd against all manner of persons who live or die. In the same manner, these last-mentioned potentates excepted from the sweeping clause, which obliged them to consider as their enemies every opponent of Fleming, a long list of friends, to whom they had bound themselves in a similar indenture; and it is this part of the deed which admits us into the secret of the early coalition between the house of Boyd and some of the most ancient and influential families in Scotland. The Earl of Crawford, Lord Montgomery, Lord Maxwell, Lord Livingston, Lord Hamilton, and Lord Cathcart,-along with a reverend prelate, Patrick Graham, who soon after was promoted to the see of St Andrews, were specially enumerated as the covenanted friends of Boyd and Kennedy. It was next declared that Lord Fleming was to remain a member of the king's special council as long as Lord Kennedy and Sir Alexander Boyd were themselves continued in the same office and service, and provided he solemnly obliged himself, in no possible manner, either by active measures, or by consent and advice, to remove the king's person from the keeping of Kennedy and Boyd, or out of the hands of any persons to whom they may have committed the royal charge. By a subsequent part of the indenture it appears that to Fleming was attributed a considerable influence over the mind of the youthful monarch; for he was made to promise that he would employ his sincere and hearty endeavours to incline the king to entertain a sincere and affectionate attachment to Lord Kennedy and Sir Alexander Boyd, with their children, friends, and vassals. The inducement by which Lord Fleming was persuaded to give his cordial support to the Boyds is next included in the agreement, which, it must be allowed, was sufficiently venal and corrupt. It was declared that if any office happened to fall vacant in the king's gift, which is a reasonable and proper thing for the Lord Fleming's service, he should be promoted thereto for his reward; and it continues, "if there happens a large thing to fall, such as ward, relief, marriage, or other perquisite, as is meet for the Lord Fleming's service, he shall have it for a reasonable composition before any other." It was finally concluded between the contracting parties, that two of Lord Fleming's friends and retainers, Tom of Somerville, and Wat of Tweedie, should be received by Kennedy and Boyd amongst the number of their adherents, and maintained in all their causes and quarrels; and the deed was solemnly sealed and ratified by their oaths taken upon the holy gospels.[1]

Such is a specimen of the mode in which the prosperity of the kingdom was sacrificed to the private ambition of the nobles; and it is evident that this band or indenture, by which Lord Fleming was irrevocably tied to support the faction of the Boyds, was merely one of many other similar instruments which shackled in the same manner, and rewarded by the same prospects of peculation, the rest of the Scottish nobles.

These intrigues appear to have been carried on during the mortal illness of Bishop Kennedy, and in contemplation

[1] This valuable original document was communicated to me by James Maidment, Esq., through whose kind permission it is printed in the Illustrations, letter O.

of his death. This event, which, in the circumstances in which it occurred, was truly a national calamity, took place on the 10th of May 1466.[1] In him the country lost the only statesman who possessed sufficient firmness, ability, and integrity to direct the councils of government. He was, indeed, in every respect a remarkable man; a pious and conscientious churchman, munificent, active, and discriminating in his charity; and whose religion, untinged with bigotry or superstition, was pure and practical. His zeal for the interests of literature and science was another prominent and admirable feature in his character, of which he left a noble monument in St Salvator's college at St Andrews, founded by him in 1456, and richly endowed out of his ecclesiastical revenues. Kennedy was nearly connected with the royal family, his mother being the Lady Mary, countess of Angus, a daughter of Robert the Third. It appears that he had early devoted his attention to a correction of the manifold abuses which were daily increasing in the government of the Church; for which laudable purpose he twice visited Italy, and experienced the favour of the Pope. Although in his public works, in his endowments of churches, and in everything connected with the pomp and ceremonial of the Catholic faith, he was unusually magnificent, yet in his own person, and the expenditure of his private household, he exhibited a rare union of purity, decorum, and frugality; nor could the sternest judges breathe a single aspersion against either his integrity as a minister of state, or his private character as a minister of religion. Buchanan, whose prepossessions were strongly against that ancient Church, of which Kennedy was the head in Scotland, has yet spoken of his virtues in the highest terms of panegyric:—"His death," he says, "was so deeply deplored by all good men, that the country seemed to weep for him as for a public parent."[2]

[1] Keith's Catalogue of the Scot. Bishops, p. 19.

[2] Buchanan, Histor. Rerum Scotic. book xii. chap. 23.

Upon the decease of this virtuous prelate, the strength of the coalition which had been formed by the Boyds, and the want of that firm hand which had hitherto guided the government, were soon felt in a lamentable manner by the country. To get complete possession of the king's person was the first object of the faction, and this they accomplished in a summary and audacious manner. Whilst the king, who had now completed his fourteenth year, sat in his Exchequer Court, which was then held in the palace of Linlithgow, Lord Boyd, accompanied by Lord Somerville, Adam Hepburn, master of Hailes, and Andrew Ker of Cessford, violently invaded the court, which was kept by the officers and attendants of the chamberlain, Lord Livingston, and, laying hands upon the king, compelled him to mount on horseback behind one of the Exchequer deputies, and to accompany them to Edinburgh. Lord Kennedy, who was a principal party in the conspiracy, with the object of removing from himself the public odium of such an outrage, intercepted the cavalcade, and, seizing the bridle of the horse which the king rode, attempted, with well-dissembled violence, to lead him back to the palace. A blow from the hunting-staff of Sir Alexander Boyd put an end to this interference, and the party were suffered to proceed with their royal prize to the capital.[3] The reader need hardly be reminded that Lord Livingston, the chamberlain, without whose connivance this enterprise could not have succeeded, was one of the parties to that bond between Lord Fleming and the Boyds, which has been already quoted; and that Tom of Somerville, or, in less familiar language, Thomas Somerville of Plane, the brother of Lord Somerville, who accompanied and assisted Lord Boyd in his treasonable invasion of the royal person, was another. Fle-

[3] R. Mag. Sig. vii. 45, October 13, 1466. Buchanan, book xii. chap. 21, is the authority for this pretended interposition of Kennedy. The rest of the story given by him is inaccurate. See an extract from the Trial of the Boyds in 1469, in Crawford's Officers of State, p. 316.

ming himself, indeed, does not appear; and the other powerful friends of the Boyds, the Earl of Crawford, with the Lords Montgomery, Maxwell, Hamilton, and Cathcart, are not mentioned as having personally taken any share in the enterprise; but can we doubt that all of them gave it their countenance and support; and that Lord Boyd and his associates would not have risked the commission of an act of treason, unless they had been well assured that the strength of their party would enable them to defy, for the present, every effort which might be made against them?

This is strikingly corroborated by what followed. During the sitting of a parliament, which was soon after held at Edinburgh, an extraordinary scene took place. In the midst of the proceedings Lord Boyd, suddenly entering the council-room, threw himself at the king's feet, and embracing his knees, earnestly besought him to declare before the three estates whether he had incurred his displeasure for any part which he had taken in the late removal of his majesty from Linlithgow to Edinburgh; upon which the royal boy, previously well instructed in his lesson, publicly assured his nobility that instead of being forcibly carried off in the month of July last from Linlithgow, as had been by some persons erroneously asserted, he had attended Lord Boyd and the other knights and gentlemen who accompanied him of his own free-will and pleasure. In case, however, this assertion of a minor sovereign, under the influence of a powerful faction, should not be considered sufficiently conclusive, an instrument under the great seal was drawn up, in which Boyd and his accomplices were pardoned;[1] and to crown this parliamentary farce, the three estates immediately appointed the same baron to the office of governor of the king's person, and of his royal brothers. They selected at the same time a committee of certain peers, to whom, during the interval between the dissolution of this present parliament and the meeting of the next, full parliamentary powers were intrusted. It is impossible not to pity the miserable condition of a country in which such abuses could be tolerated, in which the rights of the sovereign, the constitution of the great national council, and the authority of the laws, were not only despised and outraged with impunity, but with a shameless ingenuity were made parties to their own destruction. In the same parliament the ambassadors who were then in England, amongst whom we find the prelates of Glasgow and Aberdeen, the Earls of Crawford and Argyle, with Lord Livingston, the chamberlain, were directed to treat of the marriage of the king, as well as of his royal brothers, the Lords of Albany and Mar; and upon their return to Scotland to come to a final determination upon the subject with that committee of lords to whom the powers of parliament were intrusted.

It is evident, however, that although their names and their numbers are studiously concealed, there was a party in the kingdom inimical to the designs of the Boyds, who absented themselves from the meeting of the estates, and, shut up within their feudal castles, despised the pretended summons of the king, and defied the authority of those who had possessed themselves of his person. The parliamentary committee were accordingly empowered to sit and judge all those who held their castles against the king or my Lord of Albany, to summon them to immediate surrender, and in the event of their refusal to reduce them by arms. At the same time it was determined that the dowry of the future queen should be a third of the king's rents. Some regulations were passed against the purchase of benefices *in commendam*, and an endeavour was made to put a stop to the alarming prevalence of crime and oppression, by inflicting severe fines upon the *borrows* or pledges of those persons who had become security to the state that they would keep the peace, and abstain from offer

[1] Litera approbationis in favorem Dom. Rob. Boyd. Appendix to Crawford's Officers of State, p. 473.

ing violence to the person or invading the property of their neighbours.[1] "If borrows be broken," to use the language of the act, "upon any bishop, prelate, earl, or lord of parliament, the party who had impledged himself for his security, was to be fined a hundred pounds; if upon barons, knights, squires, or beneficed clerks, fifty pounds; if upon burgesses, yeomen, or priests, thirty pounds." In the same parliament the act of King Robert Bruce, by which Englishmen were forbid to hold benefices in Scotland, was revived; and the statutes, so often renewed and so perpetually infringed, against the exportation of money out of the realm, excepting so much as was necessary for the traveller's personal expenses, were once more repeated. On the other hand, to encourage the importation of money into the kingdom, a provision was made that every merchant who exported hides or woolfels should, for each sack which he sold in the foreign market, bring to the master-coiner of the king's mint two ounces of "burnt silver," for which he was to receive nine shillings and twopence; whilst, for the ease and sustentation of the king's lieges, and to encourage almsdeeds to be done to the poor, it was enacted that a coinage of copper money should be issued, four pieces or farthings to the penny, with the device of St Andrew's cross, and superscribed Edinburgh, on the one side, and a royal crown, with the letters James R., on the reverse. The other gold and silver money of the realm was to be current at the same value as before.[2]

A restriction was made upon foreign trade, by which none but free burgesses resident within burgh, or their factors and servants, were permitted to sell or traffic in merchandise out of the realm; always understanding that it was lawful for prelates, barons, and clerks, to send their own property, the produce of their own lands, out of the country by the hands of their servants, and to purchase in return such things as were needful for their personal use. Other regulations follow, which enable us to form some idea of the commercial condition of the country; even burgesses, it would appear, had not an unlimited permission to trade unless the trader was a famous and worshipful man, having of his own property half a "last" of goods, or so much at least under his own power and management; no handicraftsman or artisan was to be permitted to trade unless he first, without colour or dissimulation, renounced his craft; and none of the king's lieges was to be permitted to freight a ship, either within the realm or from a foreign port, without there being a formal agreement or charter-party drawn up, containing certain conditions which were to be fulfilled by the shipmaster. By such conditions the shipmaster was obliged to find a steersman and (tymmerman) timberman, with a crew sufficient to navigate the vessel. The merchantmen who sailed with him were to be provided with fire, water, and salt at his expense. If any quarrel arose between the shipmaster and his merchant passengers, its decision was to be referred to the court of the burgh to which the vessel was freighted, whilst care was to be taken that no goods should be damaged or destroyed, shorn or staved in by ignorant or careless stowage, under the penalty of forfeiting the freight-money, and making good the loss to the merchant. No master was to be allowed to sail his vessel during the winter months, from the feast of St Simon and Jude to Candlemas; and in consequence, probably of some misunderstanding with the Flemings, of which there is no trace in the history of the times, all merchants were interdicted from trading to the ports of the Swyn, the Sluse, the Dam, or Bruges, and ordered to pass with their ships and cargoes to the town of Middelburg. They were not, however, to establish their trade in that city as a staple, as it was declared to be the intention of the government to send commissioners to the continent

[1] Acts of the Parliament of Scotland, vol. ii. p. 85.

[2] Ibid. vol. ii. p. 86.

for the purpose of negotiating for them the privileges and freedom of trade, and to fix the staple in that port which offered the most liberal terms.[1] In the meantime it was permitted to all merchants to trade to Rochelle, Bordeaux, and the ports of France and Norway, as before. In England, during the same year, we find the parliament of Edward the Fourth imposing the same restrictions upon the trade and manufactures of the kingdom, enforcing an unattainable uniformity of fabric and quantity in the worsted manufactures, and prohibiting the exportation of woollen yarn and unfulled cloth, by which the king lost his customs and the people their employment. The truth seems to have been, that owing to the decided inferiority of the English wool, the foreign cloths had completely undersold the English broadcloth; and the parliament interfered to prevent the manufacturers from diverting their labour and their capital into that only channel in which they appear to have been profitably employed for themselves and for the country.[2]

In the midst of these parliamentary labours the power of the family of the Boyds, fostered by a prepossession which the youthful monarch seems to have entertained for their society, and increased by the use which they made of their interest in the government to reward their friends and overwhelm their opponents, was steadily on the increase. The Princess Mary, eldest sister to the king, had been affianced to the son of Henry the Sixth, but the hand of this royal lady was not deemed too high a reward for Sir Thomas Boyd, the eldest son of Lord Boyd. The island of Arran was immediately after the marriage erected into an earldom in favour of the bridegroom; and his power and ambition were gratified by the grant of ample estates in the counties of Ayr, Bute, Forfar, Perth, and Lanark.[3] Soon after this accession of dignity, Lord Boyd, who already enjoyed the office of governor to the king and his brothers, and high justiciar of the kingdom, was promoted to the lucrative and important trust of lord chamberlain, so that, armed in this triple authority, he may be said to have ruled supreme over the person of the sovereign, the administration of justice, and the management of the revenues. The power of this family, however, which had shot up within a short period to such wonderful and dangerous strength, seems to have reached at this moment its highest exaltation, and the fall, when it did arrive, was destined to be proportionably rapid and severe.

An event which soon after occurred in Orkney had the effect of renewing the intercourse between the courts of Scotland and Denmark, although the auspices under which it was resumed were at first rather hostile than friendly. Tulloch, bishop of Orkney, a Scotsman, and a prelate of high accomplishments and great suavity of manners, enjoyed the esteem of Christiern, king of Denmark and Norway; and appears to have been intrusted by this northern potentate with a considerable share in the government of these islands, at that time the property of the crown of Norway. In some contention or feud between the Bishop and the Earl of Orkney, a baron of a violent character and of great power, the prelate had been seized and shut up in prison by a son of Orkney, who shewed no disposition to interfere for his liberation. Upon this, Christiern directed letters to the King of Scotland, in which, whilst professing his earnest wishes that the two kingdoms should continue to preserve the most friendly relations to each other, he remonstrated against the treatment of the bishop, requested the king's interference to procure his liberty, and intimated his resolution not to permit the Earl of Orkney to oppress the liege subjects of Norway.[4] So intent was the northern potentate upon this subject, that additional letters were soon after transmitted to the Scottish king, in which, with the design of expedit-

[1] Acts of the Parliament of Scotland, vol. ii. p. 87.

[2] Statutes of the Realm, vol. ii. p. 418.

[3] Douglas's Peerage, vol. ii. p. 32.

[4] Torfæi Orcades, p. 187.

ing his deliberations, a demand was made for the payment of all arrears due by Scotland to Norway, and reiterating his request not only for the liberation of the bishop, but for the restoration to the royal favour of a noble Scottish knight, Sir John Ross of Halket, the same who had distinguished himself in the famous combat, held before James the Second, between three warriors of Burgundy and three champions of Scotland.

These representations had the desired effect. The king had now completed his sixteenth year; it was not expedient longer to delay his marriage; and, in looking around for a suitable consort, the daughter of Christiern was thought of amongst other noble virgins. The consequence of this was, an amicable answer to the requests of the Norwegian monarch, and a promise upon the part of James, that an embassy should immediately be despatched, by which it was hoped all claims between the two crowns might be adjusted. The Bishop of Orkney appears to have been restored to liberty; Ross was recalled from his banishment, and admitted to favour; and a parliament assembled at Edinburgh, for the purpose of taking into immediate consideration the affair of the king's marriage.

In this meeting of the estates of the realm a commission was drawn up, empowering the Bishops of Glasgow and Orkney, the Chancellor Evandale, the Earl of Arran, and Mr Martin Vans, grand almoner and confessor to the king, to proceed as ambassadors to the court of Denmark for the purpose of negotiating a marriage between the youthful sovereign of Scotland and Margaret, princess of Denmark; whilst, in the event of any failure in the overtures made regarding this northern alliance, the embassy received a sort of roving commission to extend their matrimonial researches through the courts of England, France, Spain, Burgundy, Brittany, and Savoy. Three thousand pounds were contributed by the parliament for the purpose of defraying the expenses of the embassy, not, as it is stated in the act, by way of tax, or contribution, but of their own free-will, and without prejudice to follow to them in any time to come. Of this sum, a thousand was to be given by the clergy, a thousand by the barons, and a thousand by the burgesses of the realm.[1]

The Scottish ambassadors accordingly proceeded to Copenhagen, and their negotiations appear to have been conducted with much prudence and discretion. Their great object was to obtain a cession from Norway of the important islands of Orkney and Shetland, which, as long as they continued the property of a foreign crown, were likely, from their proximity to Scotland, and in the event of a war with the northern powers, to become exceedingly troublesome neighbours to that kingdom. Since the ninth century, the feudal superiority in these islands had belonged to the Norwegian kings. For a considerable period they had been governed by a line of Norwegian jarls, or earls; but these having failed about the middle of the fourteenth century, the earldom passed, by marriage, into the ancient and noble house of St Clair, who received their investiture from the monarchs of Norway, and took their oath of allegiance to that crown. Nay, the sovereigns of Norway were in the practice of occasionally appointing viceroys or governors in these islands; and on the failure of heirs in the line of the Scottish earls, on the refusal of allegiance, or in the event of rebellion, the islands were liable to be reclaimed by these foreign potentates, and at once separated from all connexion with Scotland. In such circumstances, the acquisition of the Orkneys, and the completing the integrity of the dominions of the Scottish crown, was evidently an object of the greatest national importance. At a remote period of Scottish history, in 1266, the kingdom of Man and the Western Islands were purchased from Norway by Alexander the Third. The stipulated annual payment of a hundred marks, from its trifling value, had not been regularly exacted. Under

[1] Acts of the Parliament of Scotland, vol. ii. p. 90.

the reign of James the Second, when the arrears appear to have accumulated for a period of twenty-six years, Christiern, king of Denmark, remonstrated, and not only claimed the arrears, but the penalties incurred by the failure. In these circumstances, the case was submitted to the arbitration of Charles the Seventh of France, the mutual friend of the parties who, as already stated, recommended a marriage between the Prince of Scotland and the daughter of the King of Denmark, as the happiest and wisest mode of terminating the differences.

It was fortunate for the ambassadors of James that Christiern was disposed, at this period, to preserve the most friendly relations with Scotland. It had been the policy of this prince, more than that of any of his predecessors, to strengthen his influence by foreign alliances, and to support France against the aggressions of England, so that a matrimonial alliance with a kingdom which had long been the enemy of that country, was likely to meet with his cordial concurrence. Under so favourable an aspect the negotiation was soon concluded. The Norwegian monarch, however, hesitated about giving an immediate cession of the islands to Scotland; but the articles of the matrimonial treaty amounted, in their consequences, to almost the same thing. Christiern consented to bestow his daughter in marriage upon King James, with a portion of sixty thousand florins, and a full discharge of the whole arrears of the *annual*, the name given to the yearly tribute due for the Western Isles, and of the penalties incurred by non-payment. Of the stipulated sum he agreed to pay down ten thousand florins before his daughter's departure for Scotland, and to give a mortgage of the sovereignty of the Orkney Islands, which were to remain the property of the kingdom of Scotland till the remaining fifty thousand florins of the marriage portion should be paid. Upon the part of James, it was agreed that his consort, Margaret of Denmark, should, in the event of his death, be confirmed in the possession of the palace of Linlithgow and the castle of Doun, in Menteith, with their territories; and, besides this, that she should enjoy a revenue amounting to one-third of the royal lands.[1] The exchequer of the Danish monarch had, at this time, been drained by continued civil commotions in his kingdom of Sweden, and, owing to the delay in the stipulated payment of the dowry, the residence of the Scottish ambassadors at the northern court was protracted for several months. During this interval, Boyd, earl of Arran, returned to Scotland with the object of laying before James the terms of the treaty, and receiving his further instructions regarding the passage of the bride to her new country.

Upon Boyd's departure from Copenhagen, it seems probable that Christiern became acquainted, from the information of his brother ambassadors who remained, with the overgrown power of the family of Arran, and the thraldom in which he held the youthful king, and that in justice to his daughter, the future queen, he had determined to undermine his influence. The imperious manners of such a spoilt favourite of fortune as Arran were likely to prove disagreeable to the majesty of Denmark, and even amongst his brother ambassadors there were probably some who, having suffered under the rod of his power, would not be indisposed to share in the spoils of his forfeiture, and to lend themselves instruments to compass his ruin. Whilst such schemes for the destruction of the power of the despotic family of Boyd were ripening in Denmark, the Scottish nobles, during his absence on the embassy, had entered into an equally formidable coalition against him; and the eyes of the king, no longer a boy, became opened to the ignominious tutelage in which he had been kept, and the dangerous plurality of the highest offices enjoyed by the high-chamberlain and the Earl of Arran. All this, however, was kept concealed for the present; and as winter was now at hand, and the frequent storms in these northern lati-

[1] Torfæi Orcades, p. 15.

tudes were naturally formidable to the ambassadors and their timid bride, it was resolved to delay the voyage till spring.[1] At that period Arran again proceeded with great pomp to the Danish court, and on his arrival it was found that Christiern, whose pecuniary difficulties continued, instead of ten thousand, could only pay two thousand florins of his daughter's dowry. Such being the case, he proposed a further mortgage of the islands of Shetland, till he should advance the remaining eight thousand florins, and, as may be easily supposed, the Scottish ambassadors were not slow to embrace his offer. The money was never paid, and since this period the islands of Orkney and Shetland have remained attached to the Scottish crown.

Having brought these matters to a conclusion in a manner honourable to themselves and highly beneficial to the country, the Scottish ambassadors, bearing with them their youthful bride, a princess of great beauty and accomplishments, and attended by a brilliant train of Danish nobles, set sail for Scotland, and landed at Leith in the month of July, amidst the rejoicings of her future subjects. She was now in her sixteenth year, and the youthful monarch, who had not yet completed his eighteenth, received her with the gallantry and ardour incident to his age. Soon after her arrival, the marriage ceremony was completed with much pomp and solemnity in the abbey church of Holyrood, and was succeeded by a variety and splendour in the pageants and entertainments, and a perseverance in the feasting and revelry, which were long afterwards remembered.[2]

The next great public event which succeeded the king's marriage was the fall of the proud and powerful house of Boyd; and so very similar were the circumstances which attended their ruin to those by which the destruction of the Livingston family was accompanied, under the reign of James the Second, that, in describing the fate of the one, we seem to be repeating the catastrophe of the other. The reflection which here necessarily forces itself upon the mind is, that the constitution of Scotland at this period invariably encouraged some powerful family in the aristocracy to monopolise the supreme power in the state; and, as the manner by which they effected this purpose was the same in all cases, by a band namely, or coalition, with the most powerful and influential persons in the country, so the mods adopted by their enemies for their ruin and discomfiture was equally uniform: a counter coalition, headed by the sovereign whom they had oppressed, and held together by the hopes of sharing in the spoils which they had amassed during their career.

Whilst the Danish fleet, which brought the youthful bride and the Scottish ambassadors, was yet in the Forth, the king's sister, who was the wife of Arran, had become acquainted with the designs which were then in agitation; and, alarmed for the safety of her husband, against whom she perceived that her royal brother had conceived the deepest animosity, she secretly left the court, procured a conveyance on board the fleet, and informed him of his danger. It happened, unfortunately for his family, that this proud noble, overwhelmed with intelligence for which he was so little prepared, adopted the step most calculated to irritate the king's mind against him. It might have been possible for Arran to have awakened an old attachment, or at least to have diluted the bitterness of indignation, by a personal appeal to the generosity of the monarch; but instead of this, without landing with his brother ambassadors, he secretly got on board a vessel, and taking his wife along with him, whose presence he perhaps believed would be a pledge for his security, escaped to Denmark, a country scarcely less inimical to him than Scotland.

On being informed of his flight, the king was much incensed, and immediately after the conclusion of the re-

[1] Ferrerius, p. 388. Lesley, History of Scotland, p. 38.

[2] Lesley's History of Scotland, p. 38. Ferrerius, p. 388, printed at the end of Boece.

joicings for his marriage, a parliament assembled at Edinburgh, in which the destruction of this great family was completed in a very summary manner. Lord Boyd, his brother, Sir Alexander Boyd of Drumcol, and his son, the Earl of Arran, were summoned to appear and answer the charges which should be brought against them. Boyd, the lord justiciar and chamberlain, now a very old man, made a vain show of resistance; and trusting perhaps to those bands by which many of the most powerful families in the country had engaged to follow his banner and espouse his quarrel, he assembled his vassals, and advanced to Edinburgh with a force intended to overawe the parliament and intimidate his judges; but he had overrated his influence. At the display of the royal standard, his troops of friends dispersed; even his own immediate dependants became fearful of the consequences, and dropped away by degrees; so that the old lord, in despair for his safety, fled across the Borders into Northumberland, where, overwhelmed by age and misfortune, he soon after died.

The Earl of Arran, as we have seen, had avoided the royal wrath, by a precipitate flight to Denmark; but it is difficult to account for the stern and inexorable measures which were adopted against Sir Alexander Boyd, his uncle, whose pleasing manners, and excellence in all the chivalrous accomplishments of the age, had raised him to the office of the king's military tutor or governor, and to whom, in his boyish years, James is said to have been so warmly attached. It is evident that the young king, with a capriciousness often incident to his time of life, had suffered his mind to be totally alienated from his early friend; and having consented to his trial for treason, and the confiscation of the large estates which had been accumulated by the family, it is not impossible that, contrary to his own wishes, he may have been hurried into the execution of a vengeance which was the work rather of the nobles than of the sovereign. However this may be, Sir Alexander Boyd, whose sickness had prevented him from making his escape, was brought to trial before the parliament for his violent abduction of the king's person from Linlithgow on the 9th of July 1466, an act of manifest treason; which being fully proved, he was found guilty and condemned to death. Lord Boyd, and his son the Earl of Arran, who had eluded the pursuit of their enemies, were arraigned in their absence on the same charges as those brought against Sir Alexander Boyd; and being tried by a jury, which included the Earls of Crawford and Morton, and the Lords Seton, Gordon, Abernethy, Glammis, Lorn, and Haliburton, were also pronounced guilty of treason. It was in vain pleaded for these unfortunate persons, that the crime of removing the king from Linlithgow had not only been remitted by a subsequent act of parliament, but, upon the same great authority, had been declared good service. It was replied, and the truth of the answer could not be disputed, that this legislative act was of no avail, having been extorted by the Boyds when they possessed the supreme power, and held the person of the sovereign under a shameful durance, which constituted an essential part of their guilt. Sentence of death was accordingly pronounced upon the 22d of November 1469; and the same day, Sir Alexander Boyd, the only victim then in the power of the ruling faction, was executed on the Castle-hill of Edinburgh.[1]

Upon the forfeiture of the estates of Lord Boyd, and his son, the Earl of Arran, it was judged expedient to make an annexation to the crown of the estates and castles which had been engrossed by this powerful family; and this was done, it was declared, for behoof of the eldest sons of the kings of Scotland. Amongst these, we find the lordship of Bute and castle of Rothesay, the lordship of Cowal and the castle of Dunoon, the earldom of Carrick, the lands and castle of Dundonald, the barony of Renfrew, with

[1] Crawford's Officers of State, p. 316, quoting the original trial in Sir Lewis Stewart's MS. Collections, Advocates' Library.

the lordship and castle of Kilmarnock, the lordships of Stewarton and Dalry, the lands of Nithsdale, Kilbride, Nairnston, Caverton, Farinzean, Drumcol, Teling, with the annual rent of Brechin, and fortalice of Trabach. When we consider the extent of the possessions which thus became the prize of the crown, it may account for the readiness with which the party of the young queen, who was naturally jealous of the influence which the Boyds had usurped over her husband, embraced the earliest opportunity of accomplishing their downfall; and a conjecture may be hazarded, that their chief enemies were the Chancellor Evandale and the Lord Hamilton although the particular details of the conspiracy, and the names of the other powerful and ambitious persons whom it included in its ranks, have been unfortunately lost. It is certain that the house of Hamilton, which, previously to the reign of James the Second, had never possessed any very formidable power, rose into high distinction upon the ruins of the family of Boyd. At the command of the king, the Princess Mary, who was the wife of the banished Earl of Arran, was compelled to leave her husband, with whom she had fled to the continent, and return to the Scottish court. A divorce was then obtained, and the Countess of Arran gave her hand to Lord Hamilton, to whom it had been promised in 1454, in reward for the good services performed to the king's father in the great rebellion of the Earl of Douglas.[1] It is well known that by this marriage the family of Hamilton, under the reign of Mary, became the nearest heirs to the Scottish crown. Undismayed by the miserable fate of his family, the Earl of Arran, whose talents as a statesman and a warrior were superior to most of the nobles by whom he had been deserted, soon after entered the service of Charles the Bold, duke of Burgundy, in which he rose to high distinction, and became employed in negotiations with the court of England.[2]

[1] Abercromby, vol. ii. p. 397.
[2] Paston Letters, vol. i. pp. 269, 271.

The king had now reached that age when a fair prognostication might be made of his future character. He had completed his eighteenth year. He had married a princess, who although considerably his junior, was endowed, if we may trust the concurrent testimony of all historians, with a rare union of wisdom and sweetness; and it was evident that, in any endeavour to extricate himself from the difficulties with which he was surrounded, much, almost all of its success depended upon his own personal qualities. The power of the Scottish aristocracy, which had greatly increased during his own and his father's minority, required a firm hand to check its dangerous growth; and it happened, unfortunately, that the temporary triumph which had attended the intrigues of the Livingstons under James the Second, and more lately the durance in which the king himself was kept by the usurpation of the house of Boyd, had diminished in the eyes of the nobles, and even of the people, the respect entertained for the royal person, and accustomed them to look upon the sovereign as a prize to be played for and won by the most bold and fortunate faction in the state. To counteract this, the possession of a steady judgment, and the exertion of a zealous attention to the cares of government, were required from the king; and in both James was deficient. That he was so weak and even wicked a monarch as he is described by a certain class of historians, contrary to the evidence of facts, and of contemporaries, there is no ground to believe; but his education, which after the death of the excellent Kennedy had been intrusted to the Boyds, was ill calculated to produce a sovereign fitted to govern a country under the circumstances in which Scotland was then placed. It was the interest of this family, the more easily to overrule everything according to their own wishes, to give their youthful charge a distaste for public business, to indulge him to an unlimited extent in his pleasures and amusements, to humour every little foible in his cha-

racter, to keep him ignorant of the state of the country, and to avoid the slightest approach to that wholesome severity, and early discipline of the heart and the understanding, without which nothing that is excellent or useful in after life can be expected. The effects of this base system pursued by his governors were apparent in the future misfortunes of the king, whose natural disposition was good, and whose tastes and endowments were in some respects superior to his age. The defects in his character were mainly to be attributed to an ill-directed education; but from the political circumstances by which he was surrounded, they were unfortunately of a nature calculated to produce the most calamitous consequences to himself as well as to the country.

He had indeed fallen on evil days; and whether we look to the state of the continent or to the internal condition of Scotland, the task committed to the supreme governor of that country was one of no easy execution. In England, Edward the Fourth was engrossed by his ambitious schemes against France, although scarcely secure upon the throne which he had mounted amid the tumult and confusion of a civil war; and it was his policy, fearful of any renewal of the war with Scotland, to encourage discontent, and sow the seeds of rebellion in that country, which, under an ambitious and a popular prince, might, by uniting its strength to his adversary of France, have occasioned him infinite annoyance and loss. It was, on the other hand, the object of his sagacious and unprincipled rival, Lewis the Eleventh, to engage James, by every possible means, in a war with England; whilst Charles the Bold, duke of Burgundy, who had married the sister of Edward, and whose possession of the Netherlands gave him ample means of inflicting serious injury upon the commerce of Scotland, was equally anxious to interrupt the amicable relations between that country and France, and to preserve inviolate the truce between James and Edward. The aspect of affairs in England and on the continent, in relation to Scotland, was therefore one of considerable complication and difficulty, whilst the internal state of the country was equally dark and discouraging.

In the meantime, the same parliament which had destroyed the power of the Boyds continued its deliberations, and passed some important acts relative to the administration of justice, the tenures of landed property, the privileges of sanctuary, the constitution of the courts of parliament and justice-ayres, and the liability of the property of the tenants who laboured the ground for the debts of their lord.[1] Of these enactments, the last was the most important, as it affected the rights and the condition of so large and meritorious a class of the community, over whom the tyranny exercised by the higher orders appears to have been of a grievous description. Previous to this, when a nobleman fell into debt, his creditor, who sued out a brief of distress, and obtained a judgment against the debtor for a certain sum, was in the practice of having immediate recourse against the tenant of the lordly debtor's lands, seizing his whole property, to his utter loss and ruin. To remedy this, an act was passed, by which it was declared that, "to prevent the great impoverishment and destruction of the king's commons and rentallers, and of the inhabitants of the estates of the nobles, which was occasioned by the brief of distress," the poor tenants should not be distrained for their landlord's debts, further than the sum which they were due to him in rent; so that if the sum in the brief of distress exceeded the rent due, the creditor was bound to have recourse against the other goods and property of the debtor. If he had no other property except his land, it was provided that the land should be sold, and the debt paid, so that the poor tenants and labourers should not be distressed,—a legislative provision which exhibits a more liberal consideration for the labouring classes than at this period we might have been

[1] Acts of the Parliament of Scotland, vol. ii. p. 95.

prepared to expect. The debtor also was to enjoy the privilege of reclaiming his land from the purchaser, if, at any time within seven years, he should pay down the price for which it had been sold.[1] In the same parliament the three estates, after having concluded their deliberations, elected a committee of prelates, barons, and commissaries of the burghs, to whom they delegated full powers to advise upon certain important matters, and report their opinion to the next parliament. Amongst the subjects recommended for their consideration are the "inbringing or importation of bullion into the realm, the keeping the current money within the kingdom, and the reduction of the king's laws, comprehending the Regiam Majestatem, the acts, statutes, and other books, into one code or volume;" whilst the rest, meaning probably those statutes which had fallen into desuetude, or had been abrogated by posterior enactment, were unscrupulously directed to be destroyed.

The course of public events in England now became deeply interesting, exhibiting those sudden changes of fortune which seated the unfortunate Henry upon the throne, only to hurl him from it within a few months to a prison and a grave. In October 1470, the successful invasion of that country by the Earl of Warwick, and the desertion of Edward by the greater part of his army, compelled the monarch of the Yorkists to make a sudden and hurried escape to Flanders. Within five months he again landed in England, at the head of two thousand men; and such was the astonishing progress of his intrigues and of his arms, that in little more than a month, the city of London was delivered up, and the sanguinary and decisive battle of Tewkesbury completely and for ever annihilated the hopes of the house of Lancaster. Henry, as is well known, immediately fell a victim to assassination in the Tower; and his queen, after a captivity of five years, was permitted to retire to Anjou, where she died. Soon after this important event, a negotiation appears to have been opened with Scotland, and commissioners were appointed to treat of a truce, which was apparently to be cemented by some matrimonial alliance, of which the particulars do not appear.[2]

We have seen that the excellent Kennedy, who had filled the see of St Andrews with so much credit to himself and benefit to the nation, died in the commencement of the year 1466. Patrick Graham, his uterine brother, then Bishop of Brechin, a prelate of singular and primitive virtue, was chosen to succeed him; and as his promotion was obnoxious to the powerful faction of the Boyds, who then ruled everything at court, the bishop-elect secretly left the country for Rome, and on his arrival, without difficulty, procured his confirmation from Pope Paul the Second. Fearing, however, that his enemies were too strong for him, he delayed his return; and the controversy regarding the claim of the see of York to the supremacy of the Scottish Church having been revived by Archbishop Nevill, Graham, during his stay in Italy, so earnestly and successfully exerted himself for the independence of his own Church, that Sixtus the Fourth, Pope Paul's successor, became convinced by his arguments that the claim of York was completely unfounded. The result was a measure which forms an era in the history of the national Church. The see of St Andrews was erected into an archbishopric, by a bull of Sixtus the Fourth; and the twelve bishops of Scotland solemnly enjoined to be subject to that see in all future time.[3] In addition to this privilege which he had gained for his own Church, Graham, who felt deeply the abuses which had deformed it for so long a period, induced the Pope to confer upon him the office of legate for the space of three years, purposing, on his return to Scotland, to

[1] Acts of the Parliament of Scotland, vol. ii. p. 96.

[2] Rymer, Fœdera, vol. xi. p. 719.

[3] Spottiswood's History of the Church of Scotland, pp. 58-60.

make a determined effort for their removal.

But little did this good man foresee the storm which there awaited him: the persecution which a nobility who had fattened on the sale of church livings, a dissolute priesthood, and a weak and capricious monarch, were prepared to raise against him. His bulls of primacy and legation, which had been published before his arrival, seemed only to awaken the jealousy of the bishops, who accused him to the king of intruding himself into the legation, and carrying on a private negotiation with the Roman court, without having first procured the royal licence. The moment he set his foot in Scotland, he was cited to answer these complaints, and inhibited from assuming his title as archbishop, or exercising his legatine functions. In vain did he remonstrate against the sentence—in vain appeal to the bulls which he spread before the court—in vain assert what was conspicuously true, that he had been the instrument of placing the Scottish Church on a proud equality with that of the sister kingdom, and that his efforts were conscientiously directed to her good. The royal mind was poisoned; his judges were corrupted by money, which the prelates and ecclesiastics, who were his enemies, did not scruple to expend on this base conspiracy. Accusations were forged against him by Schevez, an able but profligate man, who, from his skill in the then fashionable studies of judicial astrology, had risen into favour at court; agents were employed at Rome, who raked up imputations of heresy; his bankers and creditors in that city, to whom he was indebted for large sums expended in procuring the bull for the archbishopric, insisted on premature payment; and the rector of his own university forging a quarrel, for the purpose of persecution, dragged him into his court, and boldly pronounced against him the sentence of excommunication. Despising the jurisdiction of his inferior, and confident in his own rectitude, Graham refused obedience, and bore himself with spirit against his enemies; but the unworthy conduct of the king, who corroborated the sentence, entirely broke his heart, and threw him into a state of distraction, from which he never completely recovered. He was committed to the charge of Schevez, his mortal enemy, who succeeded him in the primacy; and, unappeased in his enmity, even by success, continued to persecute his victim, removing him from prison to prison, till he died at last, overcome with age and misfortune, in the castle of Lochleven.[1]

Amidst these ecclesiastical intrigues, the attention of the privy council and the parliament was directed to France, with the design of attempting a reconciliation between the French king and the Duke of Burgundy, both of them the old and faithful allies of Scotland. The Earl of Arran had fled, we have seen, after his disgrace in Scotland, to the court of Burgundy, and his talents and intrigues were successfully employed in exciting the animosity of the duke against France and Scotland. The same banished noble had also sought a refuge in England, probably with the same design which had been pursued under similar circumstances by the Douglases, that of persuading Edward the Fourth to assist him in the recovery of his forfeited estates by an invasion of the country. To counteract these intrigues, it was resolved immediately to despatch ambassadors to these powers, whose instructions were unfortunately not communicated in open parliament, but discussed secretly amongst the lords of the privy council, owing to which precaution it is impossible to discover the nature of the political relations which then subsisted between Scotland and the continent. To the same ambassadors was committed the task of choosing a proper matrimonial alliance for the king's sister, a sum of three thousand pounds being contributed in equal portions by the three estates to meet their expenses.

About the same time, Lewis the Eleventh despatched the Sieur Con-

[1] Spottiswood's History of the Church of Scotland, p. 59.

cressault to the court of James, with the object of persuading that monarch to attack and make himself master of the county of Brittany, which he promised to assign in perpetuity to the Scottish crown; and it appears he had so far succeeded, that orders were given for a levy of six thousand men-at-arms, which the king had determined to conduct in person, whilst the three estates engaged to contribute six thousand pounds for the expenses of the expedition. Against this extraordinary project of deserting his dominions at a period when the state of the country so imperiously demanded his presence, the wiser and more patriotic portion of the nobility steadily remonstrated.[1] They represented that it must be attended with great peril to the realm if the sovereign, in his tender age, and as yet without a successor, should leave the country, torn as it then was by civil faction, by the dread of threatened war, and by ecclesiastical dissension and intrigue. They exposed to him the duplicity of the conduct of Lewis, who had delayed to put him in possession of the county of Xaintonge, his undoubted right, and now attempted to divert him from insisting on the fulfilment of his stipulations by an enterprise equally hazardous and extravagant. The prelates, in particular, drew up the strongest remonstrance upon the subject; imploring him, by the tender love which they bore to his person, not to leave his dominions open to the incursions of his enemies of England; to recall the letters already written to the King of France; and to content himself with an earnest endeavour, by the negotiations of his ambassadors, to make up the differences between Lewis the Eleventh and the Duke of Burgundy.[2] They advised him to use every method to discover the real intentions and disposition of the French monarch; and if they found him obstinate in his refusal to deliver up the county of Xaintonge, it was recommended that the ambassadors at the court of Burgundy should arraign the injustice of such conduct to the duke, and prevail upon that prince to assist the Scottish monarch in his attempt to recover his rights, as well as to get possession of the rich duchy of Gueldres, which, they contended, had become the property of the crown of Scotland, in consequence of the imprisonment of the old Duke of Gueldres by his son.[3] Burgundy, however, had himself cast the eyes of affection upon this prize; and, with the design of uniting it to his own territory, and erecting the whole into a separate sovereignty, under the title of the kingdom of Burgundy, soon after prevailed upon the imprisoned potentate to declare him his heir, and took forcible possession of the duchy.[4]

Whilst engaged in these complicated negotiations with the continent, the pacific relations with England were renewed; and the repeated consultations between the commissioners of the two countries, on the subject of those infractions of the existing truce, which were confined to the Borders, evinced an anxiety upon the part of both to remain on a friendly footing with each other.[5] Edward, indeed, since his decisive victory at Tewkesbury, was necessarily engaged in consolidating his yet unstable authority; and after having accomplished this task, he engaged in a league with the Duke of Burgundy against France, with the determination of humbling the pride of Lewis, and reviving in that country the glory of Edward the Third and Henry the Fifth. Under such circumstances, a war with Scotland would have been fatal to the concentration of his forces.

On the other hand, James and his ministers had full occupation at home, and wisely shunned all subjects of altercation which might lead to war. The tumults in the northern parts of Scotland, which had arisen in consequence of a feud between the Earls of

[1] Acts of the Parliament of Scotland, vol. ii. p. 102.
[2] Ibid. vol. ii. pp. 102, 104.
[3] Acts of the Parliament of Scotland, vol. ii. p. 104.
[4] Henault, Hist. of France, vol. i. p. 318. Harœi Annal. Ducum Brabantiæ, p. 438.
[5] Rotuli Scotiæ, vol. ii. pp. 430-439, incl.

Ross and Huntly, whose dominions and vassalry embraced almost the whole of the Highlands, rendered it absolutely requisite that immediate measures should be adopted for the "stanching the slaughters and depredations" committed by their dependants, and attempting to reduce these districts under the control of justice and civil polity.[1] A practice of selling the royal pardon for the most outrageous crimes had lately been carried to a shameless frequency; and the Lords of the Articles, in the late parliament, exhorted and entreated his highness that "he would close his hands for a certain time coming against all remissions and respites for murder, and in the meantime, previous to any personal interference in the affairs of the continent," take part of the labour upon himself, and travel through his realm, that his fame might pass into other countries, and that he might obtain for himself the reputation of a virtuous prince, who gave an example to other sovereigns in the establishment of justice, policy, and peace throughout his dominions.[2]

The plan for the amendment of the laws recommended in a late statute, appears to have made but little progress, if we may judge by a pathetic complaint, in which the lords and barons besought the sovereign to select from each estate two persons of wisdom, conscience, and knowledge, who were to labour diligently towards the "clearing up of divers obscure matters which existed in the books of the law, and created a constant and daily perplexity." These persons were recommended, in their wisdom, to "find good inventions which shall accord to law and conscience, for the decision of the daily pleas brought before the king's highness, and concerning which there was as yet no law proper to regulate their decision." This singular enactment proceeded to state, that after such persons in their wisdom had fixed upon such rules of law, the collection which they had made should be shewn at the next parliament to the king's highness and his three estates; and upon being ratified and approved, that a book should then be written, containing all the laws of the realm, which was to be kept at a place where "the lafe" may have a copy;[3] and that none other books of the law be permitted thenceforth to be quoted but those which were copies from this great original, under a threatened penalty of personal punishment and perpetual silence to be inflicted upon all who practised in the laws and infringed these injunctions.[4] A few other regulations of this meeting of the estates, regarding the manufacture of artillery, or, as they were termed, "carts of war," the regulation of the coin, the importation of bullion, the examination of goldsmiths' work, and the prohibition of English cloth as an article of import, do not require any more extended notice.[5]

On the 17th of March 1471–2, the birth of a prince, afterwards James the Fourth, had been welcomed with great enthusiasm by the people; and the king, to whom, in the present discontented and troubled state of the aristocracy, the event must have been especially grateful, was happily induced to listen to the advice of his clergy, and to renounce for the present all intentions of a personal expedition to the continent. He suffered himself also to be guided by the wisdom of the same counsellors in his resolution to respect the truce with England; and on a proposal being made by Edward the Fourth, that a lasting peace should be concluded between the two nations, on the basis of a marriage between the Prince Royal of Scotland and one of his own daughters, James despatched an embassy for the purpose of entering into a negotiation

[1] MS. extracts from the Books of the Lord High Treasurer, March 21, 1473.

[2] Acts of the Parliament of Scotland, vol. ii. p. 104.

[3] The "lafe" probably means the body of the inferior judges of the realm.

[4] Acts of the Parliament of Scotland, vol. ii. p. 105.

[5] A parliament was held at Edinburgh, October 6, 1474, of which nothing is known but its existence. Acts of the Parliament of Scotland, vol. ii. p. 108.

with the English commissioners upon this important subject.[1]

The lady, or rather the infant fixed on, for she was then only in her fourth year, was Edward's youngest daughter, the Princess Cæcilia; and the Bishop of Aberdeen, Sir John Colquhoun of Luss, and the chamberlain, James Shaw, having repaired to England, and concluded their deliberations, Edward directed the Bishop of Durham, along with Russel, the keeper of his privy seal, and John, lord Scrope, to proceed to Edinburgh, and there conclude a final treaty of marriage and alliance, which they happily accomplished.[2]

A curious illustration of the formality of feudal manners was presented by the ceremony of the betrothment. On the 26th of October, David Lindsay, earl of Crawford, John, lord Scrope, knight of the garter, along with the Chancellor Evandale, the Earl of Argyle, and various English commissioners and gentlemen, assembled in the Low Greyfriars' church at Edinburgh. The Earl of Lindsay then came forward, and declaring to the meeting that he appeared as procurator for an illustrious prince, the Lord James, by the grace of God King of Scots, demanded that the notarial letters, which gave him full powers in that character to contract the espousals between Prince James, first-born son of the said king, and heir to the throne, and the Princess Cæcilia, daughter to an excellent prince, Lord Edward, king of England, should be read aloud to the meeting. On the other side, Lord Scrope made the same declaration and demand; and these preliminaries being concluded, the Earl of Crawford, taking Lord Scrope by the right hand, solemnly, and in presence of the assembled parties, plighted his faith that his dread lord, the King of Scotland, and father of Prince James, would bestow his son in marriage upon the Princess Cæcilia of England, when both the parties had arrived at the proper age. Lord Scrope, having then taken the Scottish earl by the right hand, engaged, and, in the same solemn terms, plighted his faith for his master, King Edward of England. After which, the conditions of the treaty upon which the espousals took place, were arranged by the respective commissioners of the two countries, with an enlightened anxiety for their mutual welfare.

It was first declared that, for the better maintenance of peace and prosperity in the "noble isle called Britain," some measures ought to be adopted by the Kings of Scotland and England, which should promote a spirit of mutual love between the subjects of both realms more effectually than the common method of a truce, which was scarcely sufficient to heal the calamities inflicted by protracted jealousies and dissensions, followed as they had been by an obstinate war. A more likely method for the settlement of a lasting peace was then declared to be the intended marriage between Prince James and the Lady Cæcilia; and the conditions upon which it had been concluded were enumerated. The truce between the kingdoms, agreed upon first at York in 1464, and afterwards prolonged to 1519, was to be strictly observed by both countries. As the prince was yet only two years old, and the princess four, the two monarchs were to give their solemn word to use every effort to have the marriage celebrated whenever the parties had completed the lawful age. During the life of King James, the prince and princess were to possess the whole lands and rents which belonged to the old heritage of the prince-apparent of Scotland during the lifetime of his father, namely, the duchy of Rothesay, the earldom of Carrick, and the lordship of the Steward's lands of Scotland. With his daughter, the King of England was to give a dowry of twenty thousand marks of English money; and it was lastly agreed that, in the event of the death of the prince or princess, the heir-apparent of Scotland for the time should, upon the same terms, marry a princess of England.[3]

[1] Rymer, Fœdera, vol. xi. p. 814.
[2] Ibid. vol. xi. p. 821.
[3] Rymer, Fœdera, vol. xi. p. 821.

Such were the principal stipulations of a treaty which, had it been faithfully fulfilled by the two countries, might have guaranteed to both the blessings of peace, and essentially promoted their national prosperity. At first, too, the English monarch appears to have been extremely solicitous to fulfil the agreement. Two thousand five hundred marks of the dowry of the princess were advanced; and in consequence of some remonstrances of the Scottish king regarding the St Salvator, a vessel belonging to the see of St Andrews, which had been plundered by the English, with another ship, the property of the king himself, which had been captured by a privateer of the Duke of Gloucester, Edward despatched his envoy to the Scottish court, with instructions to meet the Admiral of Scotland, and afford complete redress upon the subject. This mission acquaints us with the singular circumstance that the nobility, and even the monarch, continued to occupy themselves in private commercial speculations, and were in the habit of freighting vessels, which not only engaged in trade, but, when they fell in with other ships similarly employed, did not scruple to attack and make prize of them.[1]

The state of the northern districts, and the continued rebellion of the Earl of Ross, now demanded the interference of government, and a parliament was assembled at Edinburgh, in which this insurgent noble was declared a traitor, and his estates confiscated to the crown. His intimate league with Edward the Fourth, his association with the rebellious Douglases, and his outrageous conduct in "burning, slaying, and working the destruction of the lands and liege subjects of the king," fully justified the severity of the sentence; but as the mountain chief continued refractory, a force was levied, and the Earls of Crawford and Athole directed to proceed against him.

The extent of these preparations, which comprehended a formidable fleet as well as a land army, intimidated Ross, and induced him, through the mediation of Huntly, to petition for pardon. Assured of the favourable disposition of the monarch, he soon after appeared in person at Edinburgh, and with many expressions of contrition, surrendered himself to the royal mercy. The earldom of Ross, with the lands of Knapdale and Kentire, and the office of hereditary Sheriff of Inverness and Nairn, were resigned by the penitent chief into the hands of the king, and inalienably annexed to the crown, whilst he himself was relieved from the sentence of forfeiture, and created a peer of parliament, under the title of John de Isla, lord of the Isles.[2] The king had now attained his full majority of twenty-five years, and, according to a usual form, he revoked all alienations in any way prejudicial to the crown, which had been made during his minority, and especially all conveyances of the custody of the royal castles, resuming the power of dismissing or continuing in office the persons to whom they had been committed. He at the same time intrusted the keeping and government of his son, Prince James, to his wife and consort, Margaret, queen of Scotland, for the space of five years; and for this purpose delivered to her the castle of Edinburgh, with an annual pension, and full power to appoint her own constable and inferior officers.[3] With the desire of cementing more strongly the friendship with England, a double alliance was proposed. His sister, the Princess Margaret, was to marry the Duke of Clarence; and his brother, the Duke of Albany, the Dowager-duchess of Burgundy, sister to Edward the Fourth. This monarch, however, appears to have courteously waved the proposal,[4] although he seized the opportunity of an intended visit of James to the shrine of St John of Amiens, to request, in pressing terms, a personal interview with

[1] Rymer, Fœdera, vol. xi. pp. 820, 850.

[2] Acts of the Parliament of Scotland, vol. ii. p. 113. "Baronem Banrentum et Dominum Dominum Parliamenti." Ferrerius, p. 393.

[3] Mag. Sig. viii. 80. Feb. 7, 1477.

[4] Letter of Edward IV. to Dr Legh his envoy. Vespasian, c. xvi. f. 121, quoted by Pinkerton's History, vol. i. p. 287.

this monarch. But the Scottish king was induced to delay his pilgrimage, and in obedience to a common practice of the age, caused a large medal of gold to be struck, as a decoration for the shrine of the saint.[1]

Hitherto the reign of this prince had been in no usual degree prosperous, and his administration signalised by various acquisitions, which added strength, security, and opulence to the kingdom. The possession of the Orkneys and Shetland, the occupation of Berwick and Roxburgh, the annexation of the earldom of Ross to the crown, the establishment of the independence and liberty of the Scottish Church by the erection of St Andrews into an archbishopric, the wise and nonourable marriage treaty with England, were all events, not only fortunate, but glorious. They had taken place, it is true, under the minority of the monarch; they were to be attributed principally to the counsellors who then conducted the affairs of the government; and the history of the country, after the monarch attained his full majority, presents a melancholy contrast to this early portion of his reign. It is difficult, however, to detect the causes which led to this rapid change; and it would be unjust to ascribe them wholly to the character of the king. It must be recollected that for a considerable time previous to this the feudal nobility of Europe had been in a state of extraordinary commotion and tumult; and that events had occurred which, exhibiting the deposition and imprisonment of hereditary sovereigns, diminished in the eyes of the aristocracy and of the people the inviolable character of the throne. At this time insurrection had become frequent in almost every corner of Europe; and the removal of the hereditary prince, to make way for some warlike usurper, or successful invader of royalty, was no uncommon occurrence: men's minds were induced to regard the crime with feelings of far greater lenity than had hitherto been extended to it; whilst the aristocracy, who were the instruments of such revolutions, and shared in the spoils and forfeitures which they occasioned, began to be animated by a consciousness of their own power, and a determination to stretch it to the utmost bounds of illegal aggression and kingly endurance. The revolution in England, which placed Henry the Fourth upon the throne,—the subsequent history of that kingdom during the contest between the houses of York and Lancaster,—the political struggles of France under Lewis the Eleventh,—the relative condition of the greater nobles in Germany, and of the rights of the imperial crown under the Emperor Sigismund,—the dissensions which divided the Netherlands,—and the civil factions and repeated conspiracies amongst the higher nobles, which agitated the government of Spain, all combine to establish the truth of this remark; and if we remember that the communication between Scotland and the continent was then frequent and widely spread over the kingdom, the powerful influence of such a state of things may be readily imagined.

In addition to such causes of discontent and disorganisation, there were other circumstances in the habits of the Scottish nobility, as contrasted with the pursuits of the king, which no doubt precipitated the commotions that conducted him to his ruin. The nobles were haughty and warlike, but rude, ignorant, and illiterate; when not immediately occupied in foreign hostilities, they were indulging in the havoc and plunder which sprung out of private feuds; and they regarded with contempt every pursuit which did not increase their military skill, or exalt their knightly character. At their head were the king's two brothers, the Duke of Albany and the Earl of Mar, men of bold and stirring spirits, and fitted by their personal qualities to be the favourities of the aristocracy. Their noble and athletic figures, and delight in martial exercises,—their taste for feudal pomp, for fine horses, and tall and handsome attendants,—their passion for the chase, and the splendid and generous

[1] Rymer, Fœdera, vol. xii. p. 53.

hospitality of their establishment, united to the courtesy and gracefulness of their manners, made them universally admired and beloved; whilst Albany concealed under such popular endowments an ambition which, there is reason to believe, did not scruple, even at an early period, to entertain some aspirations towards the throne.

To that of his brothers, the disposition of the king presented a remarkable contrast. It has been the fashion of some historians to represent James as a compound of indolence, caprice, and imbecility; but the assertion is rash and unfounded. His character was different from the age in which he lived, for it was unwarlike; but in some respects it was far in advance of his own times. A love of repose and seclusion, in the midst of which he devoted himself to pursuits which, though enervating, were intellectual, and bespoke an elegant and cultivated mind, rendered him unpopular amongst a nobility who treated such studies with contempt. A passion for mathematics and the study of judicial astrology, a taste for the erection of noble and splendid buildings, an addiction to the science and practice of music, and a general disposition to patronise the professors of literature and philosophy, rather than to surround himself with a crowd of fierce retainers; such were the features in the character of this unfortunate prince, which have drawn upon him the reprobation of most of the contemporary historians, but which he possessed in common with some of the most illustrious monarchs who have figured in history.[1] This turn of mind, in itself certainly rather praiseworthy than the contrary, led to consequences which were less excusable. Aware of the impossibility of finding men of congenial tastes amongst his nobles, James had the weakness, not merely to patronise, but to exalt to the rank of favourites and companions, the professors of his favourite studies. Architects, musicians, painters, and astrologers, were treated with distinction, and admitted to the familiar converse of the sovereign; whilst the highest nobles found a cold and distant reception at court, or retired with a positive denial of access. Cochrane, an architect, or as he is indignantly termed by our feudal historians, a mason; Rogers, a professor of music; Ireland, a man of literary and scientific acquirements, who had been educated in France, were warmly favoured and encouraged; whilst, even upon such low proficients as tailors, smiths, and fencing-masters, the treasures, the smiles, and encouragement of the monarch were profusely lavished. Disgusted at such conduct in the sovereign, the whole body of the aristocracy looked up to the brothers, Albany and Mar, as the chief supports of the state; and as long as the king continued on good terms with these popular noblemen, the flame of discontent and incipient revolution was checked at least, though far from extinguished. But in the ambitious contests for power, and in the sanguinary collisions of jurisdiction, which were of frequent occurrence in a feudal government, it was to be dreaded that some event might take place which should have the effect of transforming Albany from a friend into an enemy, and it was not long before these fears were realised.

The government of Berwick, and the wardenship of the eastern marches, had been committed to this warlike prince by his father, James the Second, from whom he had also inherited the important earldom of March, with the key of the eastern Border, the castle of Dunbar.[2] In the exercise of these extensive offices, a rivalry had sprung up between Albany and the powerful family of the Humes, with their fierce allies the Hepburns, and their resistance to his authority was so indignantly resented by the warden, that his enemies, to save themselves from his vengeance, attached Cochrane, the king's favourite, to their party, and, by his advice and assistance, devised a scheme for his ruin. At this period a belief in astrology and divination, and a blind devotion to such dark studies, was a predominant feature of

[1] Ferrerius, p. 391.

[2] Pitscottie, Hist. p. 115

the age. James himself was passionately addicted to them; and Schevez, the Archbishop of St Andrews, who had received his education at Louvaine, under Spernicus, a famous astrologer of the time, had not scrupled to employ them in gaining an influence over the king, and in furthering those ambitious schemes by which he intruded himself into the primacy. Aware of this, Cochrane, who well knew the weakness of his sovereign, insinuated to his new allies, the Humes, that they could adopt no surer instrument of working upon the royal mind than witchcraft. One Andrews, a Flemish astrologer, whom James had prevailed upon to reside at his court, was induced to prophesy that a lion would soon be devoured by his whelps; whilst a prophetess, who used to haunt about the palace, and pretended to have an intercourse with a familiar spirit, brought the information that Mar had been employing magical arts against the king's life,[1] and that her familiar had informed her the monarch was destined to fall by the hands of his nearest kindred. The warm affection which James entertained for his brothers at first resisted these machinations; but the result shewed that Cochrane's estimate of his sovereign's weakness was too true. His belief in the occult sciences gave a force to the insinuation; his mind brooded over the prophecy; he became moody and pensive; shut himself up amidst his books and instruments of divination; and, admitting into his privacy only his favourite adepts and astrologers, attempted to arrive at a clearer delineation of the threatened danger. To Cochrane and his brother conspirators such conduct only afforded a stronger hold over the distempered fancy of the monarch, whilst the proud character of Albany, and his violent attack upon the Humes, were represented by his enemies as confirmations of that conspiracy against his royal brother, which was to end in his deposition and death. That Albany at this moment entertained serious designs against the crown, cannot be made out by any satisfactory evidence; but that his conduct in the exercise of his office of warden of the marches was illegal and unjustifiable, is proved by authentic records. Instead of employing his high authority to establish the peace of the Borders, he had broken the truce with England by repeated slaughters and plundering expeditions; whilst within his own country he had assaulted and murdered John of Scougal, and surrounded himself by a band of desperate retainers, who executed whatever lawless commission was intrusted to them. Such conduct, combined with the dark suspicions under which he laboured, effectually roused the king; and Albany, too confident in his power and his popularity, was suddenly seized and committed to confinement in the castle of Edinburgh.[2]

Immediately after this decided measure, a parliament assembled, in which the three estates, with the laudable design of strengthening the amity with England, granted to the king a subsidy of twenty thousand marks, for the purpose of bringing to a conclusion the intended marriage between the Princess Margaret, his sister, and Lord Rivers, brother-in-law to Edward. The divided and distracted state of the country is strikingly depicted by the simple enumeration of the matters to which the Lords of the Articles were commanded to direct their attention. They were to labour for the removal of the grievous feuds and commotions, which in Angus had broken out between the Earls of Angus and Errol, the Master of Crawford and Lord Glammis; they were to attempt to put down the rebellion in Ross, Caithness, and Sutherland; to persuade to an amicable understanding the Lairds of Caerlaverock and Drumlanrig, who were at deadly feud in Annandale; to bring within the bonds of friendship the Turnbulls and the Rutherfords of Teviotdale;

[1] Ferrerius, p. 393. Lesley's History of Scotland, p. 43. Buchanan, book xii. chap. 37.

[2] Lesley's History of Scotland, p. 43. Buchanan, book xii. chap. 39.

and to promote a reconciliation between the sheriff of this district and the Lord Cranstoun.[1] The subject of coinage, the state of the commerce of the country, and the expediency of a renewal of the negotiations with the court of Burgundy, were likewise recommended for their consideration; but in the midst of their deliberations, Albany found means to elude the vigilance of his guards, and to escape from the castle of Edinburgh, an event which threatened to plunge the kingdom into a civil war.[2] The duke immediately retreated to his fortress of Dunbar, where he concentrated his force; appointed Ellem of Butterden his constable; and by increasing his military stores, and enlisting in his service some of the fiercest of the Border chieftains, seemed determined to hold out to the last extremity. The power of the king, however, soon after shook his resolution, and he took a rapid journey to France, with the design of procuring assistance from Lewis the Eleventh, and returning to Scotland at the head of a band of foreign auxiliaries. In this, however, he was unsuccessful. He was received, indeed, by the French monarch with distinction; but Lewis steadily refused to adopt any part against his brother and ally of Scotland, or to assist Albany in his unnatural rebellion.[3]

In his conduct at this moment, James exhibited a decision and an energy which vindicates his character from the charge of indolence or imbecility, so commonly brought against him. He despatched the Chancellor Evandale at the head of a strong force to lay siege to Dunbar, which, after a spirited defence of some months, was delivered up to the royal arms. A train of rude artillery accompanied the army upon this occasion. The construction of cannon, and the proper method of pointing and discharging them, appear, from contemporary records, to have been one of the subjects to which not only the king himself directed particular attention, but which he anxiously encouraged in his nobility, and even amongst his clergy. Artillerymen and skilful artisans were procured from the continent; and some of the principal entries in the treasurer's books at this period relate to the experiments made in the practice of gunnery, an art still in its infancy in Scotland. In the present siege of Dunbar, the uncommon strength of the walls withstood for some months the artillery of the besiegers; but, on the opposite side, the cannon mounted on the ramparts of the castle appear to have been well served and pointed—a single ball at one moment striking dead three of the best knights in the army, Sir John Colquhoun of Luss, Sir Adam Wallace of Craigie, and Sir James Schaw of Sauchie.[4] When at last Evandale made himself master of the castle, he found that the governor and the greater part of the garrison, availing themselves of its communication with the sea, had escaped in boats, and taken refuge in England from the fury of their enemies. It was not so easy for them, however, to escape the severe process of the law; and a parliament was summoned to carry it into immediate execution. Albany, who was still in France, was solemnly cited at the market-cross of Edinburgh and before the gates of his castle of Dunbar, to appear and answer to a charge of treason; whilst many of his boldest friends and retainers, Ellem of Butterden, George Home of Polwarth, John Blackbeird, Pait Dickson the laird, and Tom Dickson of the Tower, were summoned at the same time, and upon a similar accusation.[5]

Previous to the meeting of the three estates, however, an embassy arrived from Lewis the Eleventh, the object of which was to persuade the Scottish monarch to pardon his brother, and to assist the French king in the war which Edward the Fourth meditated against him, by the usual method of

[1] Acts of the Parliament of Scotland, vol. iii. p. 122.
[2] Lesley's History of Scotland, p. 43.
[3] Duclos. Hist. de Lewis XI. vol. ii. p. 308.
[4] Lesley, History, p. 43.
[5] Acts of the Parliament of Scotland, vol. ii. p. 128.

infringing the truce, and producing a hostile diversion on the side of the English Borders. The ambassador on this occasion was Dr Ireland, a Scottish ecclesiastic of great literary acquirements, who had been educated in France, and in whose conversation the king took so much delight, that he had anxiously endeavoured to fix him at his own court. Personally disposed, however, as he was to be pleased with the envoy, the circumstances in which the king was then placed rendered it extremely difficult to break with England. The marriage treaty which had been concluded between the Princess Cæcilia, Edward's daughter, and the heir-apparent to the Scottish throne, had been sanctioned and ratified by the payment of three instalments of the dowry.[1] Another royal marriage, also, that of the Princess Margaret of Scotland to the Earl of Rivers, was on the eve of being concluded; and Edward had lately granted passports not only to this noble lady, but to James himself, who, with a suite of a thousand persons, contemplated a pilgrimage to the shrine of St John of Amiens. These were powerful obstacles in the way of any rupture of the truces, and with the greater part of the nobility the renewal of a war with England was equally unpopular and unpolitic; but the attachment of the king to the ancient league with France prevailed; and although there is undoubtedly no evidence of the fact, a conjecture may be hazarded that James had detected, at an earlier period than is generally supposed, the existence of certain intrigues between Edward the Fourth and the Duke of Albany, which are proved by authentic documents to have taken place in the succeeding year.

It does not appear that the conduct of the Scottish monarch at this trying conjuncture is deserving of the reprobation with which it has been visited by some historians: to Albany, who had been guilty of treason, it was almost generous. He did not, indeed, agree to the request of Lewis in granting him an unconditional pardon, but he adjourned the process of forfeiture from time to time, in the hopes that he might in the interval return to his allegiance, and render himself deserving of the royal clemency; and the same lenient measure was adopted in the case of his offending vassals and retainers. Against Mar, indeed, his younger brother, who was accused of using magical arts for the purpose of causing the king's death, the royal vengeance broke out with rapid and overwhelming violence; but the death of this accomplished and unfortunate prince is involved in much obscurity. It is asserted by Lesley and Buchanan that he was suddenly seized by the king's order and hurried to Craigmillar, and that at the same time many witches and wizards, whom he had been in the habit of consulting upon the surest means of shortening the life of the monarch, were condemned to the flames.[2] The evidence derived from these unhappy wretches left no doubt of the guilt of the prince; and the choice of his death being given him, he is said to have preferred that of Petronius, directing his veins to be opened in a warm bath. In opposition to this tale of our popular historians, a more probable account is given by Drummond of Hawthornden, derived, as he affirms, from the papers of Bishop Elphinston, a contemporary of high character. According to his version of the story, before James had fixed on any definite plan of punishment, Mar, from the violence of his own temperament and the agitation attendant upon his seizure, was attacked by a fever which soon led to delirium. In this alarming state he was removed, by the king's command, from Craigmillar to a house in the Canongate at Edinburgh, where he was carefully attended by the royal physicians, who, to reduce the frenzy, opened a vein in his arm and in his temple. This, however, proved the cause of his death; for the patient, when in the warm bath, was attacked by an accession of his disorder, and

[1] Rymer, Fœdera, vol. xii. pp. 40, 41.

[2] Old Chronicle at the end of Winton, printed by Pinkerton. Hist. vol. i. p. 508. Lesley's Hist. pp. 43, 44.

furiously tearing off the bandages, expired from weakness and exhaustion before any styptic could be applied. The silence of the faction of the nobles which afterwards deposed the king upon the subject of Mar's death, at a moment when they were eager to seize every method to blacken the conduct of their sovereign, seems to corroborate the truth of this story.[1]

But although innocent of his death, James considered the treason of his brother as undeserving the leniency which he still extended to Albany; and the rich earldom of Mar was forfeited to the crown. In the midst of these transactions, Edward the Fourth, who for some time had forgotten his wonted energy in a devotion to his pleasures, began to rouse himself from his lethargy, and to complain of the duplicity of Lewis and the treachery of James, with a violence which formed a striking contrast to the quietude of his late conduct.

Nor can we be surprised at this burst of indignation, and the sudden resolution for war which accompanied it. He found that Lewis, who had amused him with a promise of marriage between the Dauphin of France and his daughter the Princess Elizabeth, had no serious intention of either accepting this alliance or fulfilling the treaty upon which it proceeded; he discovered that this crafty prince had not only proved false to his own agreement, but had corrupted the faith of his Scottish ally. Unnecessary and suspicious delays had occurred to prevent the intended marriage between James's sister and her affianced husband, the Earl of Rivers; and the same monarch, who had already received three payments of the dowry of the Princess Cæcilia, Edward's daughter, in contemplation of the marriage between this lady and his eldest son, instead of exhibiting a friendly disposition, had begun to make preparations for war, and to exhibit unequivocal intentions of violating the truce, and invading his dominions.[2]

[1] Drummond's History of the Jameses, p. 48.

[2] Rymer, vol. xii. pp. 41, 115.

Upon the part of the Scottish king, this conduct was unwise; and it is easy to see that, in his present resolution to engage in a war with England, James allowed himself to be the dupe of the French monarch, and shut his eyes to the best interests of his kingdom. He was unpopular with the great body of his nobility: they despised his studious and secluded habits; they regarded with the eyes of envy and hatred the favourites with whom he had surrounded himself, and the pacific and elegant pursuits to which he was addicted. The kingdom was full of private war and feudal disorder: the Church had been lately wounded by schism; and the lives of some of the higher clergy, under the loose superintendence of Schevez, who on the death of the unfortunate and virtuous Graham had succeeded to the primacy, were careless and corrupt. Nothing could be more injurious, to a kingdom thus situated, than to add to its internal distresses the misery of foreign war; and indeed if there was one cheering circumstance in the aspect of public affairs, it was in the prospect of peace with England. The happy effects of a long interval of amity between the two kingdoms were beginning to be apparent in the diminution of that spirit of national animosity which had been created by protracted war; and now that the nation was no longer threatened with any designs against its independence, it must have been the earnest wish of every lover of his country that it should remain at peace. So much indeed was this the conviction of one of James's most faithful counsellors, Spence, bishop of Aberdeen, that after presenting a strong protestation against the war; after explaining that a continuance of peace could alone give stability to the government, and secure the improvement and the happiness of the nation, he was so overpowered with grief when he found his remonstrances neglected, that he fell into a profound melancholy, from which he never recovered.[3]

Both countries having thus resolved

[3] Lesley's History of Scotland, p. 44.

on hostilities, Edward appointed his brother, the Duke of Gloucester, afterwards known as Richard the Third, to the office of lieutenant-general of the north, with ample powers to levy an army, and conduct the war against Scotland. Meanwhile, before Gloucester could organise his force, the Earl of Angus broke across the marches, at the head of a small army of Borderers. To these men, war was the only element in which they enjoyed existence; and, with the celerity and cruelty which marked their military operations, they ravaged Northumberland for three days, burnt Bamborough, plundered the villages and farmgranges, and drove before them their troops of prisoners and cattle without any attack or impediment.[1] Roused by this insult, and by the intelligence that the King of Scotland was about to invade his dominions in person, Edward hastened his preparations; issued orders for the equipment of a fleet against Scotland; entered into a negotiation with the Lord of the Isles and Donald Gorm, whose allegiance was never steady except in the immediate prospect of death and confiscation; and aware of the desperate condition of Albany, who was still in France, the English monarch, by private messages, in which he held out to him the prospect of dethroning his brother, and seizing the crown for himself, attached this ambitious prince to his service, and prevailed upon him to sacrifice his allegiance, and the independence of his country, to his ambition and his vengeance.[2]

Nothing could be more ungrateful than such conduct in Albany. The process of treason and forfeiture which had been raised against him in the Scottish parliament, had, with much leniency and generosity upon the part of the king, been suffered to expire, and an opportunity thus afforded for his return to his former power and station in the government. Having divorced his first wife, a daughter of the potent house of Orkney, he had married in France the Lady Anne de la Tour, daughter of the Count d'Auvergne; and there can be little doubt that the friendship of the French monarch had a principal effect in prevailing on his ally James to suspend the vengeance of the law, and hold out to the penitent offender the hope of pardon. But Albany, actuated by pride and ambition, disdained to sue for mercy; and without hesitation, entering into the proposed negotiation, threw himself into the arms of England.

In the meantime the Scottish monarch deemed it necessary to assemble his parliament, and to adopt vigorous measures. The wardenry of the east marches was committed to the Earl of Angus, that of the west to Lord Cathcart; the fortresses of Dunbar and Lochmaben were strongly garrisoned and provisioned; the Border barons, and those whose estates lay near the sea, were commanded to repair and put into a posture of defence their castles of St Andrews, Aberdeen, Tantallon, Hailes, Dunglass, Hume, Edrington, and the Hermitage; the whole body of the lieges were warned to be ready, on eight days' notice, to assemble under the royal banner, in their best array, with bows, spears, axes, and other warlike gear, and to bring with them provision for twenty days. A penalty was imposed on any soldier whose spear was shorter than five ells and a half; every axe-man who had neither spear nor bow was commanded to provide himself with a targe made of wood or leather, according to a pattern to be sent to the sheriff of the county;[3] and all former statutes concerning the regular military musters, or "weapon-schawings," were enjoined to be rigidly observed. A tax of seven thousand marks was at the same time ordered to be levied for the victualling and defence of the town of Berwick, which was threatened with a siege by England.

Having finished these preparations, James despatched an envoy to the

[1] Chronicle at the end of Winton, in Pinkerton, Hist. vol. i. p. 503. Rymer, vol. xii. p. 117.

[2] Rymer, Fœdera, vol. xii. p. 140.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 132, 133.

English monarch, with a request that he would abstain from granting aid to the Duke of Burgundy, otherwise he should esteem it his duty to send assistance to the King of France. He at the same time commissioned a herald to deliver a remonstrance to Edward in a personal interview, but this prince treated the messenger with haughty neglect, detained him long, and at last dismissed him without an answer. Indignant at such conduct, James assembled his army, and advanced in great strength to the frontiers. A singular and unexpected event, however, interrupted the expedition. Before the Scottish monarch had crossed the Borders, a nuncio from the cardinal legate, who then resided in England, arrived in the camp, and exhibiting the Papal bull, commanded the king under pain of excommunication to abstain from war, and to beware of the violation of that peace which the Holy See had enjoined to be observed by all Christian princes, that they might unite their strength against the Turks and the enemies of Christendom. To this remonstrance the Scottish king found himself obliged to pay obedience, and the army, which was numerous and well-appointed, was immediately disbanded. The king, to use the words of the parliamentary record, dispersed his great host which had been gathered for the resistance and invasion of his enemies of England, at the request and monition of the Papal bulls shewn him at the time, in the hope and trust that his enemies would have been equally submissive to the command of their holy father.[1] In this expectation, however, he was disappointed. To the Papal bulls, or the remonstrances for the preservation of the peace of Christendom, Edward paid no regard. Berwick was vigorously though ineffectually attacked, and the English army broke across the Borders, carrying fire, bloodshed, and devastation into the country, whilst a squadron of English ships appeared in the Forth, but were gallantly repulsed by Andrew Wood of Leith, whose maritime skill and courage raised him afterwards to the highest celebrity as a naval commander.[2]

But these open attacks were not so dangerous as the intrigues by which Edward contrived to seduce from the cause of their sovereign the wavering affections of some of the most powerful of the Scottish nobility. The banished Duke of Albany had, it may be believed, many friends at court, and Edward having recalled him from France, determined to carry into immediate execution his project for the dethronement of the present King of Scotland, and the substitution of his brother in his stead. These designs, in which the English monarch was supported by the banished Earl of Douglas, the Lord of the Isles, Donald Gorm, and not long after by many others of the Scottish nobility, led to an extraordinary treaty between Albany and Edward, which was concluded at Fotheringay castle.[3] In this the Scottish prince at once assumed the title of Alexander, king of Scotland, by the gift of Edward the Fourth, king of England. He then bound himself and his heirs to assist that monarch in all his quarrels against all earthly princes or persons. He solemnly engaged to swear fealty and perform homage to Edward within six months after he was put in possession of the crown and the greater portion of the kingdom of Scotland; to break the confederations which had hitherto existed between Scotland and the realm of France; to deliver into the hands of England the town and castle of Berwick, the castle of Lochmaben, and the counties of Liddesdale, Eskdale, and Annandale; whilst, in the last place, he promised, if according to the laws of the Christian Church he could make himself "clear of other women," that within a year he should marry the Lady Cæcilia, King Edward's daughter, the same princess who was already espoused to the heir-apparent of Scotland, Prince James.

[1] Acts of the Parliament of Scotland, vol. ii. p. 138.

[2] Acts of the Parliament of Scotland, vol. ii. pp. 138, 139.

[3] On June 10, 1482. Rymer, Fœdera, vol. xii. pp. 154, 156.

In the event, however, of its being found impossible to carry into execution this contemplated alliance, he stipulated that he would not marry his son and heir, "if any such there be," without the consent of King Edward.[1]

In return for these obligations, by which Albany basely consented to sacrifice the independence of his country, the English monarch engaged to assist the duke in his designs for the occupation of the realm and crown of Scotland; and both these remarkable papers, which are yet preserved in the Tower, bear the signature Alexander R., (Rex,) evincing that Albany lost no time in assuming that royal name and dignity to which he so confidently aspired. But these were not the only dangers to which the King of Scotland was exposed. There was treachery at work amongst his nobles and in his army. The Earl of Angus, one of the most powerful men in the country, Lord Gray, and Sir James Liddal of Halkerston, appear to have been nominated by Albany as his commissioners to complete those negotiations with the English monarch, of which only the rude outline was drawn up in Fotheringay castle.

Angus was warden of the eastern marches, and as such, possessed on that side the keys of the kingdom. To the common feudal qualities of courage and cruelty this chief united a haughty pride of birth and a contempt for those intellectual studies to which his sovereign was so deeply devoted. His high offices, his opulence, and his magnificent establishment made him popular; and, by what means it is now difficult to discover, he succeeded in organising a conspiracy in conjunction with Edward and Albany, which included within its ranks the most powerful persons amongst the Scottish aristocracy, and had for its object the delivery of the monarch into the hands of his enemies. The Earls of Huntly, Lennox, Crawford, and Buchan; the Lords Gray, Hailes, Hume, and Drummond, with certain bishops whose names are not recorded, assembled their forces at the command of the king, but with the secret determination to desert him. It happened unfortunately for the prince, who was thus marked out for destruction, that he had at this moment lavished upon his favourite Cochrane the principal revenues of the earldom of Mar, and had imprudently raised this low-born person to an influence in the government which made him an object of envy and hatred. These bitter feelings were increased by some unpopular counsel given at this time to the king. At a season of great dearth he is said to have persuaded him to imitate the injurious device practised by other European princes, of debasing the current coin by an issue of "black money," or copper pieces mixed with a small quantity of silver, which increased the public distress, and raised the price of all the necessaries of life.[2] To the people, therefore, he was peculiarly obnoxious —to the barons not less so, and his character and conduct aggravated this enmity. Possessing a noble figure, and combining great personal strength and skill in the use of his weapons, with undaunted bravery, he fearlessly returned the feudal chiefs the scorn with which they regarded him. In the splendour of his apparel and establishment he eclipsed his enemies, and it is not improbable that the king was weak and shortsighted enough to enjoy the mortification of his nobility, little aware of the dark plot which at that moment was in agitation against him.

Angus and the rest of the conspirators determined to disguise their real design for the dethronement of their sovereign, under the specious cloak of a zeal for reforming the government, and dismissing from the royal councils such unworthy persons as Cochrane and his companions. Having matured their plans, the English monarch commanded his brother, the Duke of Gloucester, to assemble his army; and this able leader, along with Albany and

[1] Rymer, Fœdera, vol. xii. p. 156.

[2] Chronicle at the end of Winton, in Pinkerton's History, vol. i. p. 503. Ruddiman's Preface to Anderson's Diplomata, pp. 145, 146, of the English translation; Edinburgh, 1778.

Douglas, advanced, at the head of a great force, accompanied by a park of artillery, to the siege of Berwick. Being informed of this procedure, James commanded a muster of the whole force of his dominions in the Borough Muir, an extensive common to the west of Edinburgh; and, without the slightest suspicion of the base intentions of the conspirators, proceeded with his army, which amounted to fifty thousand men, first to Soutra, and from thence to Lauder. Cochrane, who, either in derision, or from his own presumption, was known by the title of Earl of Mar, commanded the artillery, and by the unusual splendour of his camp furniture, provoked still further the envy of the nobles.[1] His tent or pavilion was of silk; the fastening chains were richly gilt; he was accompanied by a bodyguard of three hundred stout retainers, in sumptuous liveries, and armed with light battle-axes; a helmet of polished steel, richly inlaid with gold, was borne before him; and, when not armed for the field, he wore a riding suit of black velvet, with a massive gold chain round his neck, and a hunting horn, tipt with gold and adorned with precious stones, slung across his shoulder.

On reaching Lauder, the Scottish army encamped between the church and the village; and the principal leaders, next morning, having secretly convoked a council, without sending any communication either to the sovereign or to his favourite, proceeded to deliberate upon the most effectual method of betraying their master, and fulfilling their promises to Edward and Albany. In the course of this debate, all were agreed that it would be expedient to rid themselves, without delay, of the hated Cochrane. His well-known courage,—his attachment to the king,—and the formidable force which he commanded, rendered this absolutely necessary. They hesitated, however, as to the best mode for his seizure; and, amid the general embarrassment and uncertainty, Lord Gray introduced the well-known apologue of the mice having agreed, for the common safety, that a bell should be suspended round the neck of their tyrannic enemy the cat; but, being thrown into great perplexity when it came to the selection of one bold enough to undertake the office, "Delay not as to that," cried Angus, with his characteristic audacity; "leave me to bell the cat!"—a speech which has procured for him, from the Scottish historians, the homely appellative of Archibald Bell-the-cat. It happened, by a singular coincidence, that at this critical moment Cochrane himself arrived at the porch of the church where the leaders were assembled, under the idea, probably, that it was a council of war in which they were engaged, and fatally ignorant of the subject of their deliberations. He knocked loudly, and Douglas of Lochleven, who kept the door, inquired who it was that so rudely demanded admittance. "It is I," said he, "the Earl of Mar."—"The victim has been beforehand with us," cried Angus, and stepping forward, bade Douglas unbar the gate to their unhappy visitor, who entered carelessly, carrying a riding whip in his hand, and in his usual splendid apparel. "It becomes not thee to wear this collar," said Angus, forcibly wrenching from his neck the golden chain which he wore; "a rope would suit thee better."—"And the horn too," added Douglas, pulling it from his side; "he has been so long a hunter of mischief that he needs must bear this splendid bauble at his breast." Amidst such indignities, Cochrane, a man of intrepidity, and not easily alarmed, was for a moment doubtful whether the fierce barons who now crowded round him were not indulging in some rude pastime. "My lords," said he, "is it jest or earnest?" a question which he had scarcely put when his immediate seizure effectually opened his eyes to the truth. His hands were tied; his person placed under a guard, which rendered escape impossible; and a party was instantly despatched to the royal tent. They broke in upon the monarch; seized Rogers, his master

[1] Ferrerius, pp. 395, 396.

of music, and others of his favourites, with whom he was surrounded, before a sword could be drawn in their defence; and James, who appears to have been unaccountably ignorant of the plots which had been so long in preparation against him, found himself, in the course of a few moments, a prisoner in the hands of his subjects, and beheld his friends hurried from his presence, with a brutality and violence which convinced him that their lives would be instantly sacrificed.[1] Nor was it long before his anticipations were realised. The moment the royal person was secured, the conspirators dragged Cochrane to the bridge of Lauder. It is said that this unfortunate minion besought his butchers not to put him to death, like a dog, with a common rope, but at least to gratify him by using one of the silk cords of his tent equipage; but even this was denied him, and he was hanged by a halter over the parapet of the bridge. At the same moment, Dr Rogers, a musician of great eminence, whose pupils were famous in Scotland at the time that Ferrerius composed his history,[2] shared a similar fate; and along with them, Hommil, Torphichen, Leonard, Preston, and some others, whose single fault seems to have been their low birth and the favour with which the king regarded their talents, were put to death with the like cruel and thoughtless precipitation. When they had concluded this disgraceful transaction, the nobles disbanded the army, leaving their country exposed to the advance of the English under Gloucester and Albany; and having conveyed their sovereign to the capital, they shut him up in the castle of Edinburgh.[3]

The consequences of this base conduct were, for the time, fatal to the kingdom. Berwick, whose trade formed one of the richest sources of the Scottish revenue, fell into the hands of the English; and Gloucester advanced to the capital through a country where there was no army to resist him. The Duke of Albany now deemed himself secure of the crown; and the Earl of Angus, possessed of the person of the king, awaited only a full deliberation with the English commander, to complete the revolution by the dethronement of his sovereign. But although the whole body of the Scottish nobility had united willingly with Angus, and even lent their assistance to Albany and Edward to complete the destruction of Cochrane and the king's favourites, Angus had hitherto concealed from them the darker portion of the plot; and when hints were thrown out as to his real intentions—when it was obscurely proposed that the Duke of Albany should be placed upon the throne, and their rightful sovereign deposed—he immediately discovered that he could no longer reckon upon the support of the nobles in his ultimate designs. The very idea seems to have caused an immediate separation of parties; and the friends of the government and of the sovereign, suspicious of a leader who began to speculate on treason, withdrew themselves from Angus, and collected an army near Haddington, with which they determined to keep in check the further proceedings of Albany and Gloucester.[4]

It was fortunate for these barons that the full extent of their baseness —the convention at Fotheringay, the assumption of the title of king, the sacrifice of the superiority and independence of the country—were not then revealed; and that, having been convinced that a coalition with the royal party was absolutely necessary, they had not so far betrayed themselves as to render it impossible. A negotiation was accordingly opened, in which Schevez, archbishop of St Andrews, and Livingston, bishop of Dunkeld, along with Evandale, the chancellor, and the Earl of Argyle, undertook the difficult task of promoting a union between the two parties, and effecting a reconciliation between Albany and his royal brother.[5] It

[1] Lesley's History of Scotland, p. 48. Illustrations, letter P.
[2] Ferrerius, p. 395.
[3] Chronicle at the end of Winton, in Pinkerton's History, vol. i. p. 503. July 1482.
[4] Lesley's History of Scotland, p. 49.
[5] Rymer, Fœdera, vol. xii. p. 160.

was impossible for these leaders to act under a commission from the king; for since the disastrous execution of his favourites at Lauder, this unfortunate prince had been imprisoned in the castle of Edinburgh, under the care of his two uncles, the Earls of Athole and Buchan. They engaged, therefore, on their own authority, to procure a pardon for Albany, and a restoration to his estates and dignities, provided he was content to return to his allegiance, and assist his sovereign in the government of his realm and the maintenance of justice. The friends of the duke, with the exception of those whose names had already been marked in the act of parliament, were to be included in the indemnity; and to these conditions they engaged, by the same deed, to procure the consent of the king and the confirmation of the three estates.[1]

To such an agreement, it may readily be believed that Albany was not loath to accede. It extricated him, indeed, from a situation which was not a little perilous: for he found himself unpopular amongst the nobles, and trembled lest circumstances might reveal the full extent of his baseness; whilst Gloucester, discovering that the schemes of the duke for the dethronement of his brother, and the sacrifice of the independence of the country, had excited an odium for which he was not prepared, determined to withdraw his army, and to be satisfied with the surrender of Berwick as the fruit of the campaign.[2] There was no difficulty, therefore, in effecting a full reconcilement between Albany and the king's party, which was headed by the Chancellor Evandale, and the prelates of St Andrews and Dunkeld. But it was found a less easy task to reduce to obedience the Earls of Athole and Buchan, who commanded the castle of Edinburgh, and retained possession of the person of the sovereign. These chiefs were the sons of Sir James Stewart, the black knight of Lorn, by Johanna, queen-dowager of James the First; and if we are to believe the assertions of the king himself, they not only kept the most jealous watch over his person, but would actually have slain him, had he not been protected by Lord Darnley and other barons, who remained beside him, and refused either by night or day to quit his apartment.[3] It may be doubted, however, whether the documents in which these facts appear present us with the whole truth; and it seems highly probable that, amid the dark and complicated intrigues which were carried on at this moment amongst the Scottish nobles, the faction of Athole and Buchan, instead of having a separate interest from Albany, were only branches of the same party, and kept possession of the king's person, that the duke, by the eclat of delivering his sovereign from imprisonment, might regain somewhat of the popularity which he had lost. It is certain, at least, that Albany, upon his restoration to his former high offices of warden of the east and west marches, and lord high admiral, immediately collected an army, and laid siege to Edinburgh castle. The English army[4] at the same time commenced its retreat to England; and the burgesses of Edinburgh, anxious to re-establish a good understanding between the two countries, agreed to repay to Edward the sum which had been advanced as the dowry of the Lady Cæcilia, his daughter, provided he should think it expedient to draw back from the proposed marriage between this princess and the heir-apparent of the Scottish throne.[5] In reply to this, Edward intimated his resolution that the intended alliance should not take place; and, in terms of their obligation, the full amount of the dowry already paid was re-transmitted by the citizens to England. In the meantime, after a decent interval of hostilities, the Earls of Athole and Buchan thought proper to capitulate; and the castle of Edinburgh, with its royal prisoner, was delivered into the hands of the Duke of Albany, who

[1] Rymer, Fœdera, vol. xii. p. 161.
[2] Ibid. vol. xii. p. 162.
[3] Mag. Sig. x. 44. Oct. 19, 1482.
[4] Lesley's History of Scotland, p. 49.
[5] Rymer, vol. xii. p. 161.

now became the keeper of the sovereign, and, in concert with an overwhelming party of the nobility, assumed the direction of the government.[1]

The unhappy king, thus transferred from a prison only to fall under a durance still more intolerable, had yet left to him a few friends in the Archbishop of St Andrews, the Chancellor Evandale, and the Earl of Argyle; but, for the present, it was impossible for them to make any effectual stand against the power of Albany, and they fled precipitately to their estates. Evandale was in consequence deprived of the chancellorship, which was conferred upon Laing, bishop of Glasgow; whilst Andrew Stewart, an ecclesiastic, and brother to the Earls of Athole and Buchan, was presented to the bishopric of Moray, and promoted to the office of keeper of the privy seal.

A parliament now assembled at Edinburgh, and all was conducted under the control of the Duke of Albany. The sovereign was treated with the greatest harshness; at times, being actually in fear of his life, he found himself compelled to affix his signature and authority to papers which gave the falsest views of the real state of affairs; and it is curious to trace how completely the voice of the records was prostituted to eulogise the conduct of Albany and his friends. The monarch was made to thank this usurper in the warmest terms for his delivery from imprisonment; and the abettors of the duke in his treasonable assumption of the supreme power were rewarded, under the pretence of having hazarded their lives for the protection of the king.[2]

[1] Lesley's History of Scotland, p. 50.

[2] It is evident that the whole of the acts of this parliament, 2d December 1482, the charters which passed the great seal, and the various deeds and muniments which proceeded from the great officers of the crown, ought to be viewed with the utmost suspicion by the historian. They are not only the depositions of parties in their own favour, but they are the very instruments by which they sacrificed the public good, the liberty of the lieges, and the property of the crown, to their own aggrandisement; and amid such a mass of intentional misrepresentation and error, it would be vain to look for the truth.

At the request of the three estates, the king, upon the plea of its being improper for him to expose his person to continual danger in defence of his realm against its enemies, was recommended to entreat the Duke of Albany to accept the office of lieutenant-general of the kingdom, with a provision to meet the great expenses which he must incur in the execution of its duties. By conferring this high office upon his brother, the sovereign was in reality compelled to be the instrument of superseding his own authority, and declaring himself unworthy of the crown. But this was not all. The extensive earldom of Mar and Garioch was deemed a proper remuneration for the services of the lieutenant-general in delivering his sovereign from imprisonment, and the principal offices in the government appear to have been filled by his supporters and dependants.[3] Nor did he neglect the most likely methods of courting popularity. Privileges were conferred on the provost and magistrates of the capital; the burgesses of the city were lauded for their fidelity to the king; the office of heritable sheriff within the town was conferred upon their chief magistrate; and his rights in exacting customs, and calling out the trained bands and armed citizens beneath a banner presented to them on this occasion, and denominated the Blue Blanket, were considerably extended.[4]

Sensible of the strong spirit of national enmity which still existed between the two countries, and the jealousy with which many regarded his intimacy with Edward the Fourth, the lieutenant-general issued his orders to the lieges to make ready their warlike accoutrements, and prepare for hostilities. But nothing was farther from his intentions than war. He

[3] Acts of the Parliament of Scotland, p. 143. Mag. Sig. x. 32. December 2, 1482. The expressions employed in the royal charter are evidently dictated by Albany himself. It is granted to him "for the faith, loyalty, love, benevolence, brotherly tenderness, piety, cordial service, and virtuous attention," manifested in freeing the king's person from imprisonment.

[4] Inventory to the City Chartulary, i. 33.

meant only to strengthen his popularity by the enthusiasm with which he knew such a measure would be received by a large proportion of the country, whilst, at the same time, he privately renewed his intrigues with the English monarch. A secret treaty was negotiated between the commissioners of Edward and the Earl of Angus, Lord Gray, and Sir James Liddal, the friends and envoys of the duke, by which it was agreed that, from this day forth, there should be good amity, love, and favour between the King of England and a high mighty prince, Alexander, duke of Albany, and between the subjects of either prince dwelling within the one realm and the other. By another article in the same treaty, the King of England and the Scottish ambassadors engaged to Albany, that they would not only preserve inviolate the truce between the two kingdoms, but, if need be, would assist him in the conquest of the crown of Scotland "to his proper use," so that he in his turn, and the nobles of Scotland, might do the King of England great service against his enemy the King of France. Another stipulation provided that, upon the assumption of the crown of Scotland by the duke, he should instantly and for ever annul the league between that country and France; that he should never in all time coming pretend any right or title to the town and castle of Berwick; that he should restore to his lands and dignity in Scotland the banished Earl of Douglas; and after he is king, and at freedom as to marriage, espouse one of the daughters of King Edward. In the event of Albany dying without heirs, Angus, Gray, and Liddal, the three ambassadors, engaged for themselves, and their friends and adherents, to keep their castles, houses, and strengths from James, now King of Scots, "and to live under the sole allegiance of their good and gracious prince, the King of England." In return for this base and treasonable sacrifice of his country, Edward undertook to further the views of Albany in his conquest of the crown of Scotland, by sending his brother, the Duke of Gloucester, and his cousin, the Earl of Northumberland, with such aid of archers and men-at-arms as was thought necessary for the emergency. For the present, three thousand archers were to be furnished, paid and provisioned for six weeks; and, in case there should happen "a great day of rescue," or any other immediate danger, Edward promised that the Duke of Albany should be helped by an army, through God's grace, sufficient for his protection.[1]

The contradictions and errors of our popular historians, and the deficiency of authentic records, have left the period immediately succeeding this convention between Edward and Albany in much obscurity. Its consequences seem to have been much the same as those which followed the intrigues of Angus;[2] and it is evident that, although the duke, in his endeavours to possess himself of the crown, was assisted by Athole, Buchan, Gray, Crichton, and others of the most powerful nobility in Scotland, another and a still stronger party had ranged themselves on the side of the king, incited to this more by their detestation of the schemes of Albany, by which the integrity and independence of their country as a separate kingdom were wantonly sacrificed, than by any strong affection for the person of their sovereign. The measures, too, of the duke appear to have been rash and precipitate. He accused the sovereign of countenancing a conspiracy to take him off by poison, and he retaliated by a violent but abortive attempt to seize the king, which weakened his faction, and united in still stronger opposition to his unprincipled designs the friends of order and good government.[3] By their assistance, the monarch, if he did not regain his popularity, was at least enabled to make a temporary stand against the ambition of his brother, who, convinced that he was on the verge of ruin, be-

[1] Rymer, Fœdera, vol. xii. pp. 173-175.
[2] Supra, p. 222.
[3] Lesley's History, p. 50. Original Letter, James III. to Arbuthnot. Caledonia, vol. ii. p. 602.

sought and obtained a timely reconciliation.

In a parliament which was assembled at Edinburgh in the conclusion of the eventful year 1482, Albany was compelled to acknowledge his manifold treasons, and to lay down his office of lieutenant-governor of the realm.[1] He was, however, with great weakness and inconsistency upon the part of the government, permitted to retain his wardenship of the marches; and whilst he and his adherents, the Bishop of Moray, the Earls of Athole, Buchan, and Angus, were discharged from approaching within six miles of the royal person, he was indulged by the sovereign and the parliament with a full pardon for all former offences, and permitted to retain his dignity and his estates unfettered and unimpaired. At the same time the duke delivered a public declaration, authenticated under his hand and seal, in which he pronounced it to be a false slander that the king had ever meditated his death by poison; he promised from thenceforth to discontinue his connexion with Angus, Athole, Buchan, and the rest of his faction, "not holding them in dayly household in time to come;" and he engaged to give his letters of manrent and allegiance to the sovereign under his seal and subscription, and to endure for the full term of his life. By the same agreement the most powerful of his supporters were deprived of the dignities and offices which they had abused to the purposes of conspiracy and rebellion. The Earl of Buchan was degraded from his place as great chamberlain, which was bestowed upon the Earl of Crawford; deprived of his command of deputy-warden of the middle marches; and, along with Lord Crichton and Sir James Liddal, who appear to have been considered the most dangerous of the conspirators with England, banished from the realm for the space of three years. Angus was compelled to remove from his office of great justiciar on the south half of the water of Forth, to resign his stewartry of Kirkcudbright, his sheriffdom of Lanark, and his command of the castle of Trief;[2] whilst John of Douglas, another steady associate of Albany, was superseded in his sheriffdom of Edinburgh. The whole conspiracy, by which nothing less was intended than the seizure of the crown, and the destruction of the independence of the country, was acknowledged with an indifference and effrontery which adds a deeper shade of baseness to its authors, and punished by the government with a leniency which could only have proceeded from a want of confidence between the sovereign and the great body of his nobility The causes of all this seem to have been a weakness in the party opposed to Albany, and a dread in the king's friends lest, if driven to despair, this ambitious and unprincipled man might yet be able to withstand or even to overcome them. But the result of so wavering a line of policy was the same here as in other cases where half measures are adopted. It discouraged for the time the patriotic party, which, having the power in their own hands, did not dare to employ it in the punishment of the most flagrant acts of treason which had occurred since the time of Edward Baliol; and, by convincing Albany of the indecision of the government, and the manifest unpopularity of the king, it encouraged him to renew his intercourse with England, and to repeat his attempt upon the crown.

Accordingly, soon after the dissolution of the parliament, he removed to his castle of Dunbar, which he garrisoned for immediate resistance; he provisioned his other castles; summoned around him his most powerful friends and retainers, and despatched into England Sir James Liddal, whose society he had lately so solemnly forsworn, for the purpose of renewing his league with Edward, and requesting his assistance against his enemies. In consequence of these proceedings, an English envoy, or herald, named Blue

[1] Indentura inter Jacobum Tertium et Ducem Albaniæ Alexandrum ejus fratrem. 16th March 1482. MS. General Register House, Edinburgh.

[2] MS. Indenture, as quoted above.

Mantle, was commissioned to renew the negotiations with Albany; and he himself, indefatigable in intrigue, soon after repaired to England.[1] At his desire, an English force invaded the Border, and advancing to Dunbar, was admitted into that important fortress by Gifford of Sheriffhall, to whom it had been committed, for the purpose of being delivered into the hands of his ally, King Edward. The duke himself remained in England, busy in concerting his measures with Douglas and his adherents for a more formidable expedition; and his friend Lord Crichton, one of the most powerful and warlike of the Scottish barons, engaged with the utmost ardour in concentrating his party in Scotland, and fortifying their castles for a determined resistance against the sovereign.[2]

At this critical moment happened the death of Edward the Fourth,—an event which greatly weakened the party of the duke, and contributed eventually to his total discomfiture. Its effects, however, were not immediately fatal; and Richard the Third, who usurped the throne, and with whom, when Duke of Gloucester, we have seen Albany preserving an intimate correspondence, received the renegade at court with much courtesy and distinction. In the meantime his repeated conspiracies excited, as was to be expected, a very general indignation in Scotland. A parliament assembled, in which he was again summoned to answer to a charge of treason; and, having failed to appear, the three estates found him guilty of the crime laid to his charge, declaring that his life, lands, offices, and all other possessions, were forfeited to the king. Lord Crichton, Sir James Liddal, Gifford of Sheriffhall, and a long list of their adherents, experienced a similar fate;[3] whilst the monarch of England, surrounded by difficulties, and threatened with daily plots in his own kingdom, evinced an anxiety to cultivate the most amicable relations with Scotland, and granted safe-conducts to Elphinston, bishop of Aberdeen, and the Earl of Crawford, as ambassadors from James,[4] with the object of renewing the truces, and arranging the best measures for the maintenance of peace upon the Borders.

At the same time there arrived at court, as ambassador from Charles the Eight of France, who had lately succeeded to the throne of that kingdom, Bernard Stewart, lord Aubigny. This eminent person, whose Scottish descent made him peculiarly acceptable to the king, was received with high distinction; and the ancient league between France and Scotland was renewed by the Scottish monarch with much solemnity. Soon after, an embassy, which consisted of the Earl of Argyle and Schevez, archbishop of St Andrews, with the Lords Evandale, Fleming, and Glammis, proceeded to France,[5] and in their presence, Charles the Eighth, then only in his fourteenth year, confirmed and ratified the league, and consented to grant the most prompt assistance to his ally for the expulsion of the English from the kingdom, and the reduction of his rebellious subjects.[6]

So far the treasonable conspiracy of Albany had been completely defeated by the energy of the king, and the co-operation of his nobility; and James, shaking off that indolent devotion to literature and the fine arts, which he was now convinced had too much intruded upon his severer duties as a sovereign, collected an army, and laid siege to the castle of Dunbar, which had been delivered by Albany to the enemy, and strongly garrisoned with English soldiers.[7] Meanwhile, Albany and Douglas, although courteously received by the English king, soon discovered that it was his determination to remain at peace with Scotland; and, with the

[1] Processus Forisfacture Ducis Albanie. Acts of the Parliament of Scotland, vol. ii. p. 147.

[2] Processus Forisfacture Domini de Crechtoun. Ibid. pp. 154, 164.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 152, 154, 164.

[4] Rymer, vol. xii. p. 207. Illustrations, Q.

[5] Crawford's Officers of State, p. 45.

[6] Ibid.

[7] Ferrerius, p. 397 Drummond, p. 55.

desperate resolution of making a last struggle for the recovery of their influence, they invaded Scotland, at the head of a small force of five hundred horse, and pushed forward to Lochmaben, under the fallacious idea that they would be joined by some of their late brothers in conspiracy, and by their own tenantry and vassals, who were numerous and powerful in this district. It was St Magdalene's day,[1] upon which an annual fair was held in the town, and a numerous concourse of neighbouring gentry, along with a still greater assemblage of merchants, hawkers, and labourers, were met together, all of whom, according to the fashion of the times, carried arms. On the approach of Albany and Douglas at the head of a body of English cavalry, it naturally occurred to the multitude, whose booths and shops were full of their goods and merchandise, that the object of the invaders was plunder; and with a resolution whetted by the love of property, they threw themselves upon the enemy. The conflict, however, was unequal, and on the point of terminating fatally for the brave burghers and peasantry, when a body of the king's troops, of which the chief leaders were Charteris of Amisfield, Crichton of Sanquhar, and Kirkpatrick of Kirkmichael, along with the Laird of Johnston and Murray of Cockpule, advanced rapidly to the rescue of their countrymen, and attacked the English with a fury which broke their ranks and decided the contest.[2] After a grievous slaughter and complete dispersion of their force, the Duke of Albany escaped from the field by the fleetness of his horse; but Douglas, more aged, and oppressed by the weight of his armour, was overtaken and made prisoner by Kirkpatrick, who, proud of his prize, carried him instantly to the king.[3] His career had, as we have seen, been such as to claim little sympathy. It was that of a selfish and versatile politician, ever ready to sacrifice his country to his personal ambition. But his rank and his misfortunes, his venerable aspect and gray hairs, moved the compassion of the king; and he whose treason had banished him from Scotland, who for nearly thirty years had subsisted upon the pay of its enemies, and united himself to every conspiracy against its independence, was permitted to escape with a punishment whose leniency reflects honour on the humanity of the sovereign. He was confined to the monastery of Lindores, where, after a few years of tranquil seclusion, he died,—the last branch of an ancient and illustrious race, whose power, employed in the days of their early greatness in securing the liberty of the country against foreign aggression, had latterly risen into a fatal and treasonable rivalry with the crown. It is said that, when brought into the royal presence, Douglas, either from shame or pride, turned his back upon his sovereign, and on hearing his sentence, muttered with a bitter smile, "He who may be no better, must needs turn monk."[4] His associate, Albany, first took refuge in England, and from thence passed over to France, where, after a few years, he was accidentally slain in a tournament.[5]

Two powerful enemies of the king were thus removed; and instead of a monarch who, like Edward the Fourth, encouraged rebellion amongst his subjects by intrigue and invasion, the Scottish king found in Richard the Third that calm and conciliatory disposition, which naturally arose out of his terror for the occurrence of foreign war, before he had consolidated his newly-acquired power. To him, tranquillity, and popularity with the great body of his nobility and of his people, were as necessary as to James; and had the Scottish aristocracy permitted their development, the government of either country would have been conducted upon the principles of mutual friendship and unfettered intercourse. An embassy, consisting of the Earl of

[1] 22d July.

[2] Acts of the Parliament of Scotland, vol. ii. p. 173. Mag. Sig. xi. 77. August 10, 1484.

[3] Acta Domin. Concilii, 19th January 1484. Mag. Sig. xi. 72. July 9, 1484.

[4] Drummond, Hist. p. 53. Hume's Douglas and Angus, p. 381.

[5] Anselme, Histoire Genealogique, iv. p. 529.

Argyle, the chancellor, Lord Evandale, Whitelaw, the secretary to the king, and the Lord Lyle, was received with great state by Richard at Nottingham; and having conferred with the English commissioners, the Archbishop of York, the Chancellor of England, and the Duke of Norfolk, they determined upon a truce for three years, which was to be cemented by a marriage between the heir of the Scottish crown, James, duke of Rothesay, now a boy in his fourteenth year, and Lady Anne, niece of the King of England, and daughter to the Duke of Suffolk.[1] By one of the articles of this truce, the castle of Dunbar, then in the possession of the English, having been delivered to them by Albany, and for recovery of which the King of Scotland had made great preparations, was to enjoy the benefit of the cessation of hostilities for six months; after the expiration of which period, James was to be permitted to recover it, if he was able, by force of arms.

At the same time that this embassy took place, the purport of which was openly declared, and appears in the public records, much secret intercourse was carried on between Richard the Third and the Scottish nobility and clergy, in which the names occur of several barons who took a prominent part against the king in the subsequent rebellion. From the brief and cautious manner in which the passports for such persons are worded, it is impossible to point out the subjects of their private negotiation; but there seems ground to presume that the aristocratic faction, which had been for a long time opposed to the king, and which gave him its lukewarm support solely for the purpose of crushing the desperate treasons of Albany, had now begun to intrigue with England.

From the time of the rising at Lauder, the execution of Cochrane and his associates, and the subsequent imprisonment of the sovereign, many of the Scottish nobles must have been sensible that they had subjected themselves to a charge of treason, and that the monarch only waited for the opportunity of returning power to employ it in their destruction. The blood of his favourites, shed with a wantonness and inhumanity which nothing could justify, called loud for vengeance: however devoted to the indolent cultivation of the fine arts, or enervated by the pursuit of pleasure and the society of the female sex, the character of James partook somewhat of the firmness and tenacity of revenge which distinguished his grandfather, James the First; and it was anticipated that his return to liberty, and the free exercise of his prerogative, would bring a fearful day of reckoning to the conspirators at Lauder. The instances of the Douglases, the Livingstons, and the Boyds, some of whom, previous to their trial and execution, had stood in far more favourable circumstances than most of the present nobles, must to them have been full of warning; and it was natural for those who felt the treacherous and unstable ground on which they stood, to endeavour to strengthen their faction by a secret negotiation with England. To what extent Richard listened to such advances, does not appear; but there seems to be little doubt that, on the meeting of parliament in the commencement of the year 1485, a large proportion of the Scottish aristocracy had persuaded themselves that the security of their lives and their property was incompatible with the resumption of his royal authority by the monarch whom they had insulted and imprisoned: on the other hand, it is evident that, by whatever various motives they were actuated, a more numerous party, consisting both of the clergy and of the barons, had attached themselves to the interest of the sovereign; and whilst many must be supposed to have been influenced by the selfish hope of sharing in the plunder and confiscation which invariably accompanied the destruction of a feudal faction, a few perhaps were animated by a patriotic desire to support the authority of the crown, and give strength and energy to the feeble government of the country. Such appear to have

[1] Rymer, Fœdera, vol. xii. pp. 236, 244, 250.

been the relative situations of the two great factions in the state on the opening of the parliament in the commencement of the year 1485; and most of its acts seem to have been wisely calculated for the good of the community.

It was resolved to despatch an embassy to the court of England, for the purpose of concluding the marriage between the Duke of Rothesay and the niece of Richard. Provisions were adopted for the maintenance of tranquillity throughout the realm, by holding justice-ayres twice in the year; the king was advised to call a part of the lords and head men of his kingdom, who were to bring to trial and execution all notorious offenders, and Schevez, the Archbishop of St Andrews, was to be despatched on an embassy to the court of Rome, having instructions to procure the Papal confirmation of the alliances which had been concluded between Scotland and the kingdoms of France and Denmark. Other matters of importance, affecting mutually the rights claimed by the crown, and the authority maintained by the see of Rome, were intrusted to the same diplomatist. It was to be reverently submitted to the holy father, that the king, having nominated his "tender clerk and counsellor," Alexander Inglis, to the bishopric of Dunkeld, requested the Papal confirmation of his promotion as speedily as possible; and the ambassador was to declare determinately, that his sovereign would not suffer any other person, who had presumed to procure his promotion to this bishopric contrary to the royal will, to enter into possession. An earnest remonstrance was to be presented to the Pope, requesting, that on the decease of any prelate or beneficed clergyman, his holiness would be pleased to delay the disposition to such dignities for six months, in consequence of the distance of the realm of Scotland from the Holy See, within which time the king's letter of supplication for the promotion to the vacant benefice of such persons as were agreeable to him might reach the pontiff,—a privilege which, it was remarked, the sovereign considered himself entitled to insist upon, since the prelates of his realm had the first vote in his parliament, and were members of his secret council. In the same parliament, an act of James the Second, which made it treason for any clerk to purchase benefices in the court of Rome, the presentation to which belonged to the crown, was directed to be rigidly carried into execution; and all persons who maintained or supported any ecclesiastics who had thus intruded themselves into vacant sees, were ordered to be punished by the same penalties of proscription and rebellion as the principal offenders. Some homely provisions regarding the extortion of ferrymen, who were in the habit of taking double and treble freight, and a regulation concerning the coinage, concluded the subjects which upon this occasion occupied the wisdom of Parliament.[1]

It was within four months after this, that Richard the Third was cut off in the midst of his unprincipled, but daring and energetic career, by a revolution, which placed Henry, earl of Richmond, upon the throne of England, under the title of Henry the Seventh. That a faction in Scotland supported the Earl of Richmond, we have the authority of his rival Richard for believing;[2] but who were the individuals to whom the king alluded, and to what extent their intrigues had been carried on, there are no authentic documents to determine. The plot of Richmond, as it is well known, was fostered in the court of France; and Bernard Stewart, lord Aubigny, commanded the body of French soldiers which accompanied him to England. Aubigny was, as we have seen, of Scottish extraction, and nearly related to the Earl of Lennox.[3] He had been

[1] Acts of the Par. of Scot. vol. ii. p. 173.

[2] Fenn's Paston Letters, vol. ii. p. 326.

[3] Bernard Stewart, lord Aubigny, and John Stewart of Darnley, first Earl of Lennox, were brothers' children. Mathew, earl of Lennox, to whom Aubigny left his fortune, was the son of the first earl. By his sisters, the Ladies Elizabeth, Marion, Janet, and Margaret Stewart, the Earl of Lennox was connected by marriage with the Earl of Argyle,

ambassador to the Scottish court in the year 1484; and it is by no means improbable that, to further the plot for the invasion of England by the Earl of Richmond, Aubigny, an able politician, as well as an eminent military leader, had induced that party of the Scottish lords, who were already disaffected to the king, to make a diversion by invading England, and breaking the truce between the kingdoms. The impetuosity of Richard, however, hurried on a battle before any symptoms of open hostility had broken out; and when the death of the usurper, on the field of Bosworth, had placed the crown upon the head of Henry, this monarch became naturally as desirous of cultivating peace as he had formerly been anxious to promote a war. Yet with this change of policy, the connexion of the new king with the faction of the Scottish barons which was opposed to the government of James, may have remained as intimate as before; and when many of the same nobles, who had conspired with France against Richard, began to form plots for the destruction of their own sovereign, it is by no means improbable that they looked for support to their friend and ally the King of England. The extraordinary caution with which Henry carried on his diplomatic negotiations, has rendered it exceedingly difficult for succeeding historians to detect his political intrigues, but there are some circumstances which create a presumption that the designs of James's enemies were neither unknown nor unacceptable to him.

In the meantime, however, the accession of Henry seemed, at first, to bring only a continuance of friendly dispositions between the two kingdoms. Within a month after the death of Richard, the English monarch made overtures for the establishment of peace, and appointed the Earl of Northumberland, who was warden of the marches, to open a negotiation with such envoys as James might select.[1] Accordingly, Elphinston, bishop of Aberdeen, Whitelaw, the king's secretary, with the Lords Bothwell and Kennedy, and the Abbot of Holyrood, were despatched as ambassadors; and after various conferences, a three years' truce was agreed on, preparatory to a final pacification, whilst the Earl of Angus and the Lord Maxwell were appointed wardens of the middle and western marches. Upon the part of England, the Earl of Northumberland and Lord Dacres were nominated to the same office on the eastern and western Borders, whilst overtures were made for a marriage between James, marquis of Ormond, James's second son, and the Lady Catherine, daughter of Edward the Fourth, and sister-in-law to King Henry.

Soon after this, James was deprived, by death, of his queen, the Lady Margaret, daughter to Christiern, king of Denmark, a princess whose virtues were of that modest and unobtrusive character which make little figure in history, and to whom, if we may believe the report of his enemies, the king was not warmly attached.[2] The aspersions, indeed, which were so unsparingly poured upon the memory of this monarch by the faction which dethroned and destroyed him, and the certain falsehood of some of their most confident accusations, render the stories of his alienation from his queen, and his attachment to other women, at best extremely doubtful. It is certain, however, that before a year of grief had expired, the royal widower began to think of another marriage, which should connect him more intimately in the bonds of peace and affectionate intercourse with England. The princess upon whom he had fixed his affections, was the Queen-dowager of England, the widow of Edward the Fourth, and the mother-in-law of Henry the Seventh; but before this union could be effected, a conspiracy broke out,

Lord Crichton of Sanquhar, Lord Ross of Halkhead, and Sir John Colquhoun of Luss. Douglas Peerage, vol. ii. pp. 95, 96.

[1] Rymer, vol. xii. pp. 285–316

[2] The period of her death, Pinkerton (vol. i. p. 324) observes, has not been mentioned by the Scottish historians. We are enabled, however, to approximate nearly to the exact time, by the expression used in a charter in the Morton Cartulary, dated 16th Oct. 1486, which mentions her as that time "nuper defuncta."

which had been long collecting strength and virulence, and whose effects were as fatal as its history is obscure and complicated.

We have already remarked that since the period of the conspiracy at the bridge of Lauder, in which a great body of the Scottish nobles rose against the sovereign, imprisoned his person, usurped the administration of the government, and, without trial or conviction, inflicted the punishment of death upon his principal favourites and counsellors, the barons engaged in that enterprise had never been cordially reconciled to the king, and were well aware that they lived with a charge of treason hanging over their heads—that they held their estates, and even their lives, only so long as their party continued in power. Nearly five years had now elapsed since the execution of Cochrane, and in that interval some alterations had occurred, which were quite sufficient to alarm them. The character of the king had undergone a material change; he had attached to his interest some of the wisest of the clergy, and not a few of the most powerful of his nobility; he had preserved peace with England,—had completely triumphed over the traitorous designs of his brother Albany, and the Earl of Douglas,—had maintained his alliance with France, Flanders, and the northern courts of Europe, unbroken,—had supported with great firmness and dignity his royal prerogative against the encroachments of the see of Rome,—and had made repeated endeavours to enforce the authority of the laws, to improve the administration of justice, and restrain the independent power of the feudal nobility, by the enactments of his parliament, and the increasing energy and attention with which he devoted himself to the cares of government. It has indeed been the fashion of some of our popular historians to represent the character of this unfortunate prince as a base mixture of wickedness and weakness; but nothing can be more untrue than such a picture. The facts of his reign, and the measures of his government, demonstrate its infidelity to the original; and convince us that such calumnies proceeded from the voice of a faction desirous to blacken the memory of a monarch whom they had deserted and betrayed. But, even admitting that the full merit of the wise and active administration of the government which had lately taken place, did not belong to the king, it was evident to his enemies that their power was on the decline, and that their danger was becoming imminent. The character of the monarch, indeed, was far from relentless or unforgiving; and the mildness of the punishment of Albany, and the benevolence of the sentence against Douglas, might have inspired them with hope, and promoted a reconciliation; but they knew also that there were many about the royal person who would advise a different course, and to whom the forfeiture, and the expectation of sharing in their estates, would present an inviting prospect.

On consulting together they appear to have come to the resolution to muster their whole strength at the ensuing parliament; to sound the disposition of the king and his party towards accepting their submission, and encouraging a coalition; and when they had warily estimated the comparative strength of their own faction, and that of the monarch, to form their plan, either of adherence to the government and submission to the king, or of a determined rebellion against both. In the meantime, however, the death of the queen, and the treachery of those to whom the keeping and education of the heir-apparent was intrusted, enabled them to usurp an influence over his mind, which they artfully turned to their own advantage.

To gain the prince to favour their designs against his father, and to allure him to join their party, by the prospect of an early possession of the sovereign power, was a project which had been so frequently and successfully repeated in the tumultuous transactions of Scotland, and other feudal kingdoms, that it naturally suggested itself to the discontented nobles; and it was no difficult task for such crafty

and unscrupulous intriguers to work upon the youthful ambition of his character. James, duke of Rothesay, was now in his fifteenth year; his disposition was aspiring and impetuous; and, although still a boy, his mind seems to have been far beyond his years. It was easy for them to inflame his boyish feelings against his father, by the same false and unfounded tales with which they afterwards polluted the popular mind, and excused their own attacks upon the government; and previous to the meeting of the parliament, they had succeeded in estranging the affections of the son from the father, and producing in his mind a readiness to unite himself to their party. Whilst such had been the conduct of the faction which opposed itself to the government, the king, shaking off the love of indolent retirement which he had too long encouraged, mustered his friends around him, consulted with his most confidential officers, and resolved that the proceedings of the ensuing parliament should be conducted with an energy and a wisdom which should convince his enemies that they were mistaken in him.

Such appears to have been the relative position of the monarch, and the faction of the discontented nobles, at the period of the meeting of parliament, on the 13th of October 1487.[1] On that day a more numerous assemblage of the nobles attended than for many years had been seen in the Scottish parliament; and although the barons who were inimical to the king were pleased to find that they mustered in formidable strength, it was thought expedient to make overtures to the sovereign for an amicable adjustment of all their disputes and grievances, upon condition that a full pardon should be granted to all such barons as had made themselves obnoxious to the laws, by treason, rapine, or other offences. To such a proposition, however, the party of the sovereign, too confident in their own power, gave an absolute denial. They brought in an act of parliament, which declared, that for the purpose of re-establishing justice and tranquillity throughout the realm, which, in consequence of the delay of inflicting "sharp execution upon traitors and murderers, had been greatly broken and distressed, the king's highness had acceded to the request of his three estates, and was determined to refuse all applications for pardon of such crimes, or of any similar offences, for seven years to come." In return for the readiness with which the king had obeyed the wishes of his parliament, the lords spiritual and temporal, with the barons and freeholders, gave their promise that, in all time coming, they would cease to maintain, or stand at the bar with traitors, men-slayers, thieves, or robbers, always excepting that they must not be prevented from taking part in "sober wise," with their kin and friends, in the defence of their honest actions. They engaged also to assist the king and his officers to bring all such offenders to justice, that they might "underly" the law; and when, in consequence of the strength of the party accused, the coroner was unable to make his arrestment, they promised, with their armed vassals, to apprehend the delinquent. Other acts were passed at the same time, to which it is unnecessary to refer; but the proceedings were amply sufficient to convince the barons, whose rebellion against the sovereign had made them liable to a charge of treason, that extreme measures were meditated against them. The parliament was then prorogued to the 11th of January; and it was intimated by the sovereign that a full attendance of the whole body of the prelates, barons, and freeholders would be insisted on, it having been resolved that all absent members should not only be punished by the infliction of the usual fine, but in such other method as the king was wont to adopt to those who disobeyed his orders and incurred his high displeasure.

In the interval an important negotiation took place between the Bishops of Exeter and Aberdeen, who met

[1] Acts of the Parliament of Scotland, vol. ii. p. 176.

at Edinburgh, and agreed that the present truce subsisting between the kingdoms should be prolonged to the 1st of September 1489. It was determined also that the proposed marriage between the King of Scots and the Princess Elizabeth, widow of Edward the Fourth, should take place as soon as the preliminaries could be settled, in a diet to be held at Edinburgh; whilst the peace between the two countries should be further cemented by the marriage of James's second son, the Marquis of Ormond, to the Lady Catherine, third daughter of Edward the Fourth, and of James, prince of Scotland and duke of Rothesay, to another daughter of the same royal line.[1] These royal alliances were interrupted by a demand of the Scottish monarch. As a preliminary, he insisted upon the surrender of the town of Berwick, which for so long a period had been the property of Scotland, and the rich emporium of its trade. To this last condition Henry would by no means consent.[2] He was well aware of the importance of this Border fortress, as commanding a frontier against the Scots; and so high a value did he set upon its continuing in the possession of England, that, from the moment that James had pertinaciously required its restoration, all serious thoughts of the proposed alliances were at an end; and the politics of the English monarch, instead of being animated by the desire of a friendly union with the king, became infected with a partiality for the faction of his discontented nobles.

Nor had these barons, during this interval, been idle: they had consolidated their own strength; appointed various points of rendezvous for their vassals and retainers, and put their castles into a posture of defence: they had prevailed on some of the prelates and dignified clergy to join their party, whose affections the king had alienated by his severe reprobation of their proceedings, in purchasing the nomination to vacant benefices at the Papal court: they had completely corrupted the principles of the king's eldest son, the Duke of Rothesay, and prevailed upon him to lend his name and his presence to their treasonable attack upon the government; and although it cannot be asserted upon conclusive evidence, there is some reason to believe that the conspiracy was countenanced at least, if not supported, at the court of Henry the Seventh.

In the meantime the parliament, which had been prorogued to the month of January, again assembled,[3] and was attended in great force by both factions. Aware of the intrigues which were in agitation against him, and incensed at the conduct of his enemies in working upon the ambition, and alienating from him the affections, of his son and successor, James proceeded to adopt decided measures. He brought forward his second son, created him Duke of Ross, Marquis of Ormond, Earl of Edirdale, and Lord of Brechin and Novar, and by accumulating upon him these high titles, appeared to point him out as his intended successor in the throne. He strengthened his own party by raising the Barons of Drummond, Crichton of Sanquhar, Hay, and Ruthven, to the dignity and privileges of lords of parliament; he procured the consent of the three estates to the immediate departure of an embassy to the court of England, for the purpose of making a final agreement regarding his own marriage and that of the prince his son; with instructions to the ambassadors that they should insist either on the delivery of the castle and the city of Berwick into the hands of the Scots, or upon the castle being cast down and destroyed. He appointed the Earls of Crawford and Huntly to be justices on the north half beyond the Forth; and from the Lords Bothwell, Glammis, Lyle, and Drummond, directed the parliament to select two justices for the southern division of the kingdom. With regard to the rights, which he contended belonged to the crown, in

[1] Rymer, Fœdera, vol. xii. p. 329.

[2] Feb. 10, 1487. Rotuli Scotiæ, vol. ii. p. 483.

[3] Acts of the Parliament of Scotland, vol. ii. p. 180.

disposing of vacant benefices,—rights which interfered with those ecclesiastical privileges claimed by the court of Rome as part of its inalienable prerogative, the conduct of the monarch was spirited and consistent. He had united the priory of Coldingham to the royal chapel at Stirling,[1] a measure which the potent Border family of the Humes affected to consider as an interference with their patronage, but upon what ground is not apparent. They made it a pretext, however, for joining the ranks of the discontented nobles; opposed the annexation in a violent and outrageous manner, and attempted to overturn the act of the king by an appeal to the Pope. The monarch, in the first instance, interdicted all persons from presenting or countenancing such appeals, under penalty of the forfeiture of life, lands, and goods; and finding this warning insufficient, he directed summonses to be issued against the offenders, ordaining them to stand their trial before a committee of parliament, and abide the sentence of the law.[2] Aware also that there would be some attempt at interference on the part of the Papal court, it was declared by the parliament that the king was bound to preserve that ancient privilege which had been conferred upon his progenitors by a special bull, and by which the Scottish monarchs were not obliged to receive any legate or messenger of that court within their realm, unless a communication were first made to the king and his council as to the nature of the message, so that it might be perfectly understood, before they were permitted to enter the kingdom, that they brought no communication contrary to the will of the sovereign or the common prosperity of his realm. If therefore, it was said, any such legate happened to be now on his journey, or hereafter arrived, the parliament recommended that messengers should be immediately sent to the Borders to prohibit him from setting his foot within the kingdom until he first explained to his highness the cause of his coming.[3] In the same parliament, and with a like resolute spirit, the king obtained an act to be passed, which insisted on his right to nominate to vacant benefices as an inalienable prerogative of his crown, and in which his determination was declared, to keep his clerk, Mr David Abercromby, unvexed and untroubled in the enjoyment of the deanery of Aberdeen, notwithstanding any attempt to the contrary by persons who founded their title of interference upon a purchase or impetration of this ecclesiastical preferment at the court of Rome.

The parliament was then adjourned to the 5th of May, and the members dispersed; but the quiet was of short continuance, and the materials of civil commotion, so long pent up in the bosom of the country, in consequence of the determined measures adopted by the king, at length took fire, and blazed forth into open rebellion. In the severity of the late acts of parliament, the Earls of Argyle and Angus, the Lords Lyle, Drummond, and Hailes, Blacader, bishop of Glasgow, and many other powerful barons who had joined their party, saw clearly the measures which were intended for their destruction, and determined, ere it was too late, to convince their enemies that their power was more formidable than they anticipated. They accordingly concentrated their forces. The young prince, already estranged from his father, and flattered with the adulation of a party which addressed him as king, issued from Stirling castle,[4] the governor of which, James Shaw of Sauchie, had early joined the conspiracy, and placed himself at the head of the insurgent army; whilst James, who had unfortunately permitted his friends and supporters to return to their estates after the dissolution of the parliament, found himself almost alone amidst a thickening tumult of revolt and violence, which it was impossible to resist. Cut to the

[1] Acts of the Parliament of Scotland, vol. ii. p. 179.
[2] Ibid. vol. ii. p. 183.
[3] Acts of the Parliament of Scotland, vol. ii. p. 183.
[4] Ibid. vol. ii. pp. 211, 223.

heart also, by seeing his own son at the head of his enemies, the king formed the sudden resolution of retiring from the southern provinces of his kingdom, which were occupied chiefly by his enemies, to those northern districts, where he could still rely on the loyalty of his subjects, and the support of a large body of his nobility. Previous to this, however, he despatched the Earl of Buchan, along with Lord Bothwell and the Bishop of Moray, on an embassy to Henry the Seventh, to solicit the assistance of that monarch, and procure the presence of a body of English troops to overawe his rebels, and defend him against the imminent dangers with which he was surrounded.[1] He at the same time deprived Argyle of the office of chancellor, and conferred that dignity upon Elphinston, bishop of Aberdeen, one of the ablest and most faithful of his counsellors; and anxious to detach his son from the party of the insurgents, and to save him from incurring the penalties of treason, he sent proposals to the misguided youth, in which the severity of the king and the affection of the father were judiciously blended. But all was in vain. From the moment that the prince left Stirling, and placed himself at the head of their party, the rebels boldly declared that James the Third, having forfeited the affections of his people, oppressed his nobility, and brought in the English to subdue the nation, had forfeited the crown, and ceased to reign. They then proclaimed his son as his successor, under the title of James the Fourth, and in his name proceeded to carry on the government. The Earl of Argyle was reinstated in his office of chancellor;[2] a negotiation was opened with the court of England; and Henry, who had looked coldly on the father, in consequence of his insisting upon the restoration of Berwick, did not scruple to treat with the son as King of Scots, and to grant passports for his ambassadors, the Bishops of Glasgow and Dunkeld, the Earl of Argyle, the Lords Lyle and Hailes, with the Master of Hume.[3]

The alarm of the king at the boldness and success of such measures was great. He was surrounded on all sides by his enemies, and in daily risk of being made a captive by his son. It was absolutely necessary, therefore, to hasten his retreat to the north; but before his preparations were completed, the rebels advanced upon Edinburgh, his baggage and money were seized at Leith, and the monarch had scarcely time to throw himself into a ship belonging to Sir Andrew Wood, and pass over to Fife, when he heard that the whole southern provinces were in arms.[4] The disaffection, however, had reached no further, and James, as he proceeded towards Aberdeen, and issued orders for the array of Strathern and Angus, had the gratification to find himself within a short time at the head of a numerous and formidable army. His uncle, Athole, with the Earls of Huntly and Crawford, and a strong assemblage of northern barons, joined his standard. Lord Lindsay of the Byres, a veteran commander of great talent and devoted loyalty, who had served in the French wars, assembled a body of three thousand footmen and a thousand horse. The old baron, who led this force in person, was mounted on a gray courser of great size and spirit. On meeting the king, he dismounted, and placing the reins in the hands of his sovereign, begged him to accept of the best warhorse in Scotland. "If your grace will only sit well," said the blunt old soldier, "his speed will outdo all I have ever seen either to flee or follow." The present was highly valued by the monarch, but it was thought ominous at the time, and led to fatal results. Soon after this, the king was met by Lord Ruthven at the head of a thousand gentlemen well mounted and clothed in complete body-armour, with a thousand archers, and a thousand infantry.[5] As he advanced, his forces

[1] Rymer, Fœdera, vol. xii. p. 334.
[2] Mag. Sig. x. 122. Feb. 18, 1487.
[3] Rymer, Fœdera, vol. xii. p. 340.
[4] Acts of the Parliament of Scotland, vol. ii. p. 202.
[5] Pitscottie, Hist. p. 140. Ferrerius, p. 400.

daily increased. The Earls of Buchan and Errol; the Lords Glammis, Forbes, and Kilmaurs; his standard-bearer, Sir William Turnbull; the Barons of Tullibardine and Pourie: Innes of Innes, Colessie of Balnamoon, Somer of Balyard, and many other loyalists, incensed at the unnatural rebellion, and commiserating the condition of the country, warmly espoused his cause; so that he soon found himself at the head of a well-appointed army of thirty thousand men, with which he instantly advanced against the rebel lords.[1]

He found them stationed with the prince his son at Blackness, on the coast between Queensferry and Borrowstounness; but the sight of his subjects arrayed in mortal conflict against each other, and commanded by the heir to his throne, affected the benevolent heart of the monarch, and induced him to listen to the advice of the Earls of Huntly and Errol, who earnestly besought permission to attempt an accommodation. A negotiation was accordingly opened, and certain articles of agreement were drawn up and corroborated by the royal signature, which, if we may believe the suspicious evidence of the conspirators themselves, were violated by the king, who suffered himself to be overruled by the stern councils of the Earl of Buchan.[2] Irritated at such undue influence, the Earl Marshal, along with Huntly, Errol, and Lord Glammis, deserted the royal camp, and retired to their respective estates; whilst Buchan, who perhaps wisely dreaded to lose an opportunity of extinguishing the rebellion which might never again occur, attacked the prince's army, and gained an advantage, which, although magnified into a victory, appears to have been little else than a severe skirmish, too undecided to deter the prince and his associates from keeping the field in the face of the royal army.[3] The odious sight of civil bloodshed, however, created in both armies an indisposition to push the battle to extremities; and the monarch, whose heart sickened at the prospect of protracted rebellion, again, by the mediation of his uncle, the Earl of Athole, made proposals for an amicable adjustment of the grievances for the redress of which his opponents were in arms. Commissioners were accordingly appointed, and a pacification agreed on, remarkable for the leniency of its stipulations, and the tenderness with which the royal parent conducted himself towards his son. It will be remembered that James was at the head of an army flushed with recent success,—that he had been grossly calumniated by the rebellious subjects whom he was now willing to admit to pardon,—that his son, a youth in his sixteenth year, had usurped his name and authority of king,—that they had filled his kingdom with confusion and bloodshed; under such circumstances, the conditions agreed on contradict in the strongest manner the representations of the popular historians regarding the character of this unfortunate prince. It was stipulated that the royal estate and authority of the sovereign should be maintained, so that the king might exercise his prerogatives, and administer justice to his lieges, throughout every part of his realm; that his person should at all times be in honour and security; and that such prelates, earls, lords, and barons, as were most noted for wisdom, prudence, and fidelity, should be kept around him. All those barons whom the prince had hitherto admitted to his confidence, and whose evil councils had done displeasure to the king, were to make honourable amends to the monarch, by adopting a wise and discreet line of conduct, under the condition that full security was to be given them for their lives, honours, and estates. The king engaged to maintain the household of the heir-apparent, and support the lords and officers of his establishment in befitting dignity, provided they were honourable and faithful persons, distinguished for wisdom and fidelity, under whose directions my lord the

1 Acts of Parl. of Scotland, vol. ii. p. 202.
2 Ibid. vol. ii. pp. 202, 210.
3 Ibid. vol. ii. p. 204.

prince might become obedient to his royal father, and increase in that dutiful love and tenderness which ought ever to be preserved between them. On these conditions, the king declared his readiness to forgive and admit to his favour all the prince's friends and servants against whom he had conceived any displeasure; whilst his highness the prince intimated his willingness to dismiss from his mind all rancorous feelings against the lords spiritual and temporal who had adhered to the service of their sovereign in this time of trouble. In conclusion, it was agreed by both parties that all feuds or dissensions which at that moment existed between various great lords and barons, and more especially between the Earl of Buchan and the Lord Lyle, should be composed and concluded; so that our sovereign lord and his lieges might once more live in peace, justice, and concord, and tranquillity be re-established throughout the realm.[1]

Whatever causes led to this pacification, it is evident that the terms offered to the prince and his rebellious party were far too favourable, and that the humanity which dictated so feeble and insecure a compromise was little else than weakness. The king was then in circumstances which, if properly turned to advantage, must, in all probability, have given him a complete triumph over a conspiracy whose ramifications had spread throughout the kingdom. Under the pretence of the redress of grievances partly ideal, partly true, but principally of their own creation, a faction of his prelates and nobles had withdrawn their allegiance from their sovereign, seduced the affections of the prince, and attempted to overturn the government of the country by force of arms. To have entered into terms with such offenders upon any other basis than a full and unconditional surrender, was the extremity of folly; but instead of this, James, in his anxiety to avoid a mortal contest, which, after the advantage at Blackness, the insurgent lords would scarcely have hazarded, permitted the son who had usurped his kingly name, and the subjects who had defied the laws of the realm, to negotiate, with arms in their hands, on a footing of equality. No petition for forgiveness, no expression of penitence, was suffered to escape: the prince spoke throughout, not as a son conscious that he had offended, but as a sovereign transacting a treaty with his equal. The pacification of Blackness was, in truth, a triumph to the faction of the discontented nobles; and it required little penetration to foresee that the tranquillity which was established on such a foundation could not be of any long duration: it was a confession of weakness, pronounced at a time when firmness at least, if not severity, were the only guides to the permanent settlement of the convulsions which now agitated the kingdom.

Unconscious, however, of the dangers which surrounded him, and trusting too implicitly to the promises of the insurgents, James retired to Edinburgh, dismissed his army, and permitted the northern lords, upon whose fidelity he chiefly depended, to return to their estates. He then proceeded to reward the barons to whose zeal he had been indebted, and who had distinguished themselves in the conflict at Blackness. The Earl of Crawford was created Duke of Montrose; Lord Kilmaurs was raised to the rank of Earl of Glencairn; Sir Thomas Turnbull, his standard-bearer, Sir Andrew Wood, the Lairds of Balnamoon, Lag, Balyard, and others of his adherents, received grants of lands; and the king weakly imagined that, if any bitter feelings were yet cherished in the bosoms of his son and his nobles, the mediation of the French monarch, to whom he had lately despatched ambassadors, and the interference of the Holy See, to which a mission had been also directed, might effectually remove them.[2] Nothing, however, could be more vain than such anticipations.

[1] Acts of the Parliament of Scotland, vol. ii. p. 210.

[2] Mag. Sig. x. 69. May 18, 1488. Ibid. ix. 77, same date. Ibid. xii. 365. June 25, 1492.

The monarch had scarcely time to reorganise his court, and take up his residence within his castle of Edinburgh, when he was informed that his son, and the same fierce and ambitious faction, had resumed their schemes of insurrection, and assembled in more formidable numbers than before. It may be doubted, indeed, whether they had ever dispersed; and it is difficult to account for the infatuation of the king and his advisers, when we find them consenting to the dismissal of the royal army at the very moment the rebels continued to retain their arms.

James, however, had a few powerful friends around him, and these urged him, ere it was too late, to reassemble his army without a moment's delay. The Duke of Montrose, the Earls of Menteith and Glencairn, the Lords Erskine, Graham, Ruthven, and Lord Lindsay of the Byres, immediately collected their followers; and such was the popularity of the royal cause, that within a short time the royal army mustered in sufficient strength to take the field against the insurgents. Summonses were rapidly forwarded to the northern lords, and it was at first determined that, till these reinforcements joined the army, the sovereign should remain at Edinburgh, and avoid the risk of a battle. But this resolution, undoubtedly the wisest that could be adopted, was abandoned. It was suggested that Stirling would be a more convenient rendezvous for the northern chiefs and clans; and, abandoning his strong castle of Edinburgh, the monarch advanced to this town, attacked the prince his son, who was encamped in the neighbourhood, drove him across the Forth, and after dispersing this portion of the rebels, demanded admittance into his castle of Stirling.[1] This, however, was peremptorily refused him by Shaw of Sauchie, the governor, who had joined the prince; and before time was given him to decide whether it would be expedient to lay siege to the fortress, intelligence was brought that his enemies had pressed on from Falkirk, and occupied the high level plain above the bridge of the Torwood.[2] Upon hearing this, James immediately advanced against them, and encountered the insurgent army on a tract of ground known at the present day by the name of Little Canglar, which is situated upon the east side of a small brook called Sauchie Burn, about two miles from Stirling, and one mile from the celebrated field of Bannockburn, where Bruce had defeated Edward. Although inexperienced in war, James was not deficient in courage. By the advice of Lord Lindsay, with other veteran soldiers, the royal army, much inferior in numbers to the insurgents, was drawn up in three divisions. The first, consisting of such of the northern clans as had arrived before the battle, was commanded by the Earls of Athole and Huntly, forming an advance of Highlandmen armed with bows, long daggers, swords, and targets; in the rear division were the westland and Stirlingshire men, commanded by the Earl of Menteith, with the Lords Erskine and Graham; whilst the king himself led the main battle, composed of the burghers and commons.[3] He was splendidly armed, and rode the tall gray horse which had lately been presented to him by Lord Lindsay. On his right this veteran soldier, with the Earl of Crawford, commanded a fine body of cavalry, consisting of the chivalry of Fife and Angus; whilst Lord Ruthven, with the men of Strathern and Stormont, formed his left wing, with a body of nearly five thousand spearmen. Against this array, the rebel lords, advancing rapidly from the Torwood, formed themselves also in three battles. The first division was led by the Lord Hailes and the Master of Hume, and composed of the hardy spearmen of East Lothian and the Merse.[4] Lord Gray commanded the second line, formed of the fierce Galwegians, and the more disciplined and hardy Borderers of Liddesdale and

[1] Mag. Sig. xii. 64. 9th January 1488.

[2] Pitscottie, History, vol. i. pp. 218, 219, by Dalyell.

[3] Nimmo's Stirlingshire, p. 226. Lesley's History, p. 57.

[4] Ferrerius, p. 400. Buchanan, book xii. chap. 61. Pitscottie, History, vol. i. p. 219.

Annandale—men trained from their infancy to arms, and happy only in a state of war. In the main battle were the principal lords who had conspired against the king, and at their head the young prince himself, whose mind, torn between ambition and remorse, is said to have sought for comfort in issuing an order that no one should dare, in the ensuing conflict, to lay violent hands upon his father.[1]

The onset commenced by showers of arrows, which did little execution, as the bow, although lately more encouraged amongst the Highland troops, was never a favourite or formidable weapon with the nation. In the charge with the spear, however, the royalists drove back the enemy's first line and gained a decided advantage; but it lasted only till the advance of the Borderers, who attacked with such steady and determined valour, that they not only recovered the ground which had been lost, but made a dreadful slaughter, and at last compelled the Earls of Huntly and Menteith to retreat in confusion upon the main battle, commanded by the king. The conflict, however, was continued for some time with great obstinacy, and James's forces, although inferior in number to the insurgents, made a desperate stand. They at last, however began to waver, and the tumult and slaughter approached the spot where the king had stationed himself. The lords who surrounded his person implored him not to run the risk of death or captivity, which must bring ruin upon their cause, but to leave the field whilst there was yet a chance of safety. To this advice James consented, not unreluctantly, if we may believe his enemies; and whilst his nobles obstinately protracted the battle, the monarch spurred his horse, and fled at full speed towards the village of Bannockburn. The precaution, however, which was intended to secure his safety, only hastened his destruction. On crossing the little river Bannock, at a hamlet called Milltown, he came suddenly upon a woman drawing water, who, alarmed at the apparition of an armed horseman, threw down her pitcher, and fled into the house.[2] At this noise the horse, taking fright, swerved in the midst of his career, and the king, losing his seat and falling heavily, was so much bruised by the concussion and the weight of his armour, that he swooned away. He was instantly carried into a miller's cottage hard by, whose inmates, ignorant of the rank of the sufferer, but compassionating his distress, treated him with great humanity. They placed him on a bed; cordials, such as their poverty could bestow, were administered, and the unhappy monarch at length opening his eyes, earnestly required the presence of a priest, to whom he might confess before his death. On being questioned regarding his name and rank, he incautiously answered, "Alas! I was your sovereign this morning;" upon which the poor woman rushed out of the cottage, wringing her hands, and calling aloud for a priest to come and confess the king. By this time a party of the straggling soldiers of the prince's army had reached the spot, and one whose name is not certainly known, but whom some historians assert to have been an ecclesiastic named Borthwick, in Lord Gray's service, hearing the woman's lamentation, announced himself as a priest, and was admitted into the cottage. He found the monarch lying on a flock-bed, with a coarse cloth thrown over him, and kneeling down, inquired with apparent tenderness and anxiety how it fared with him, and whether with medical assistance he might yet recover. The king assured him that there was hope, but in the meanwhile besought him to receive his confession, upon which the ruffian bent over him, under pretence of proceeding to discharge his holy office, and drawing his dagger, stabbed

[1] Pinkerton (vol. i. p. 334) has represented the conflict which followed these dispositions as a brief skirmish, hurried to a conclusion by the timidity and flight of the king. Of this, however, there is no evidence.

[2] The cottage, called Beaton's Mill, where the king was murdered, is still pointed out to the traveller; and the great antiquity and thickness of the walls corroborate the tradition.

his unresisting victim to the heart, repeating his strokes till he perceived life to be completely extinct. The atrocity of the deed seems to have had the effect of throwing over it a studied obscurity; so that, although it is asserted that the murderer carried off the body of his sovereign, his movements were never certainly traced, and his name and condition are to this day undiscovered. A body, however, ascertained to be that of James, was afterwards found in the neighbourhood, and interred with royal honours, beside his queen, in the Abbey of Cambuskenneth.[1]

After the flight of the king, the battle was neither long nor obstinately contested. Anxious to save their army, and dispirited by a vague rumour of the death of their master, the royalist leaders retired upon Stirling, and were not hotly pursued by the prince, who is said to have been seized with sudden and overwhelming remorse on being informed of the melancholy fate of his father. Dazzled, however, by his accession to the throne, and flattered by the professions of devotedness and affection of his party, these repentant feelings for the present were evanescent, although they afterwards broke out with a strength which occasionally embittered his existence. In the battle the loss was on neither side very great, although the Earls of Glencairn and Bothwell, with the Lords Erskine, Semple, and Ruthven, were amongst the slain in the royalist party. The army of the insurgent nobles passed the night upon the field, and next day fell back upon Linlithgow, when the lords permitted their vassals to disperse, and began anxiously to consult regarding the measures which it was necessary to adopt for the immediate administration of the government.[2]

Thus perished, in the prime of life, and the victim of a conspiracy, headed by his own son, James the Third of Scotland; a prince whose character appears to have been misrepresented and mistaken by writers of two very different parties, and whose real disposition is to be sought for neither in the mistaken aspersions of Buchanan, nor in the vague and indiscriminate panegyric of some later authors. Buchanan, misled by the attacks of a faction, whose interest it was to paint the monarch whom they had deposed and murdered, as weak, unjust, and abandoned to low pleasures, has exaggerated the picture by his own prejudices and antipathies; other writers, amongst whom Abercromby is the most conspicuous, have, with an equal aberration from the truth, represented him as almost faultless. That James had any design, similar to that of his able and energetic grandfather, of raising the kingly power upon the ruins of the nobility, is an assertion not only unsupported by any authentic testimony, but contradicted by the facts which are already before the reader. That he was cruel or tyrannical is an unfounded aspersion, ungraciously proceeding from those who had experienced his repeated lenity, and who, in the last fatal scenes of his life, abused his ready forgiveness to compass his ruin. That he murdered his brother is an untruth, emanating from the same source, contradicted by the highest contemporary evidence, and abandoned by his worst enemies as too ridiculous to be stated at a time when they were anxiously collecting every possible accusation against him. Yet it figures in the classical pages of Buchanan,—a very convincing proof of the slight examination which that great man was accustomed to bestow upon any story which coincided with his preconceived opinions, and flattered his prejudices against monarchy. Equally unfounded was that imputation, so strongly urged against this prince by his insurgent nobles, that he had attempted to accomplish the perpetual subjection of the realm to England. His brother Albany had truly done so; and the original records of his negotiations, and of his homage sworn to Edward, remain to this day, although we in vain look for an account of this extraordinary intrigue in the

[1] Ferrerius, p. 400. Lesley's History, p. 57. Mag. Sig. xiii. 251. 6th April 1496.
[2] Ferrerius, p. 400.

pages of the popular historians. In this attempt to destroy the independence of the kingdom, it is equally certain that Albany was supported by a great proportion of the nobility, who now rose against the king, and whose names appear in the contemporary muniments of the period; but we in vain look in the pages of the Fœdera, or in the rolls of Westminster and the Tower, for an atom of evidence to shew that James, in his natural anxiety for assistance against a rebellion of his own subjects, had ceased for a moment to treat with Henry the Seventh as an independent sovereign. So far, indeed, from this being the case, we know that, at a time when conciliation was necessary, he refused to benefit himself by sacrificing any portion of his kingdom, and insisted on the redelivery of Berwick with an obstinacy which in all probability disgusted the English monarch, and rendered him lukewarm in his support.

James's misfortunes, in truth, are to be attributed more to the extraordinary circumstances of the times in which he lived, than to any very marked defects in the character or conduct of the monarch himself, although both were certainly far from blameless. At this period, in almost every kingdom in Europe with which Scotland was connected, the power of the great feudal nobles and that of the sovereign had been arrayed in jealous and mortal hostility against each other. The time appeared to have arrived in which both parties seemed convinced that they were on the confines of a great change, and that the sovereignty of the throne must either sink under the superior strength of the greater nobles, or the tyranny and independence of these feudal tyrants receive a blow from which it would not be easy for them to recover. In this struggle another remarkable feature is to be discerned. The nobles, anxious for a leader, and eager to procure some counterpoise to the weight of the king's name and authority, generally attempted to seduce the heir-apparent, or some one of the royal family, to favour their designs, bribing him to dethrone his parent or relative by the promise of placing him immediately upon the throne. The principles of loyalty, and the respect for hereditary succession, were thus diluted in their strength, and weakened in their conservative effects; and from the constant intercourse, both commercial and political, which existed between Scotland and the other countries of Europe, the examples of kings resisted or deposed by their nobles, and monarchs imprisoned by their children, were not lost upon the fervid and restless genius of the Scottish aristocracy. In France, indeed, the struggle had terminated under Lewis the Eleventh in favour of the crown; but the lesson to be derived from it was not the less instructive to the Scottish nobility. In Flanders and the states of Holland, they had before them the spectacle of an independent prince deposed and imprisoned by his son; and in Germany, the reign of Frederick the Third, which was contemporaneous with our James the Third, presented one constant scene of struggle and discontent between the emperor and his nobility, in which this weak and capricious potentate was uniformly defeated.[1]

In the struggle in Scotland, which ended by the death of the unfortunate monarch, it is important to observe, that whilst the pretext used by the barons was resistance to royal oppression and the establishment of liberty, the middle classes and the great body of the people took no share. They did not side with the nobles, whose efforts on this occasion were entirely selfish and exclusive. On the contrary, so far as they were represented by the commissaries of the burghs who sat in parliament, they joined the party of the king and the clergy; by whom frequent efforts were made to intro-

1 "Although," says Eneas Sylvius, in his address to the electoral princes, "we acknowledge Frederic to be our emperor and king, his title to such an appellation seems to be in no little degree precarious; for where is his power? You give him just as much obedience as you choose, and you choose to give him very little." "Tantum ei parietis quantum vultis, vultis enim minimum." A sentence which might be applied with equal if not greater force to Scotland.

duce a more effectual administration of justice, and a more constant respect for the rights of individuals, and the protection of property. With this object laws were promulgated, and alternate threats and exhortations upon these subjects are to be found in the record of each successive parliament; but the offenders continued refractory, and these offenders, it was notorious to the whole country, were the nobility and their dependants. The very men whose important offices ought, if conscientiously administered, to have secured the rights of the great body of the people,—the justiciars, chancellors, chamberlains, sheriffs, and others,—were often their worst oppressors: partial and venal in their administration of justice; severe in their exactions of obedience; and decided in their opposition to every right which interfered with their own power. Their interest and their privileges, as feudal nobles, came into collision with their duties as servants and officers of the government; and the consequence was apparent in the remarkable fact that, in the struggle between the crown and the aristocracy, wherever the greater offices were in the hands of the clergy, they generally supported the sovereign; but wherever they were intrusted to the nobility, they almost uniformly combined against him.

When we find the popular historians departing so widely from the truth in the false and partial colouring which they have thrown over the history of this reign, we may be permitted to receive their personal character of the monarch with considerable suspicion. According to these writers, James's great fault seems to have been a devotion to studies and accomplishments which, in this rude and warlike age, were deemed unworthy of his rank and dignity. He was an enthusiast in music, and took delight in architecture, and the construction of splendid and noble palaces and buildings; he was fond of rich and gorgeous dresses, and ready to spend large sums in the encouragement of the most skilful and curious workers in gold and steel; and the productions of these artists, their inlaid armour, massive gold chains, and jewel-hilted daggers, were purchased by him at high prices, whilst they themselves were admitted, if we believe the same writers, to an intimacy and friendship with the sovereign which disgusted the nobility. The true account of this was probably that James received these ingenious artisans into his palace, where he gave them employment, and took pleasure in superintending their labours—an amusement for which he might have pleaded the example of some of the wisest and most popular sovereigns. But the barons, for whose rude and unintellectual society the monarch shewed little predilection, returned the neglect with which they were unwisely treated, by pouring contempt and ridicule upon the pursuits to which he was devoted. Cochrane the architect, who had gained favour with the king by his genius in an art which, in its higher branches, is eminently intellectual, was stigmatised as a low mason. Rogers, whose musical compositions were fitted to refine and improve the barbarous taste of the age, and whose works were long after highly esteemed in Scotland, was ridiculed as a common fiddler or buffoon; and other artists, whose talents had been warmly encouraged by the sovereign, were treated with the same indignity. It would be absurd, however, from the evidence of such interested witnesses, to form our opinion of the true character of his favourites, as they have been termed, or of the encouragement which they received from the sovereign. To the Scottish barons of this age, Phidias would have been but a stone-cutter, and Apelles no better than the artisan who stained their oaken wainscot. The error of the king lay, not so much in the encouragement of ingenuity and excellence, as in the indolent neglect of those duties and cares of government, which were in no degree incompatible with his patronage of the fine arts. Had he possessed the energy and powerful intellect of his grandfather—had he devoted the greater portion of his time to the administration of justice, to a friendly

intercourse with his feudal nobles, and a strict and watchful superintendence of their conduct in the offices intrusted to them, he might safely have employed his leisure in any way most agreeable to him; but it happened to this prince, as it has to many a devotee of taste and sensibility, that a too exquisite perception of excellence in the fine arts, and an enthusiastic love for the studies intimately connected with them, in exclusion of more ordinary duties, produced an indolent refinement, which shrunk from common exertion, and transformed a character originally full of intellectual and moral promise, into that of a secluded, but not unamiable misanthropist. Nothing can justify the king's inattention to the cares of government, and the recklessness with which he shut his ears to the complaints and remonstrances of his nobility; but that he was cruel, unjust, or unforgiving—that he was a selfish and avaricious voluptuary—or that he drew down upon himself, by these dark portions of his character, the merited execration and vengeance of his nobles, is a representation founded on no authentic evidence, and contradicted by the uniform history of his reign and of his misfortunes.

By his queen, Margaret, daughter to Christiern, king of Denmark, James left a family of three children, all of them sons: James, his successor; a second son, also named James, created Marquis of Ormond, and who afterwards became Archbishop of St Andrews; and John, earl of Mar, who died without issue. The king was eminently handsome; his figure was tall, athletic, and well proportioned; his countenance combined intelligence with sweetness; and his deep brown complexion and black hair resembled the hue rather of the warmer climates of the south, than that which we meet in colder latitudes. His manners were dignified, but somewhat cold and distant, owing to his reserved and secluded habits of life. He was murdered in the thirty-fifth year of his age, and the twenty-eighth of his reign.

CHAPTER V.

JAMES THE FOURTH.

1488—1497.

WHEN James the Fourth appeared in arms against his father, and, in consequence of the murder of that unfortunate prince, ascended the throne, he was a youth in his seventeenth year.[1] That he had himself originated the rebellion, or taken a principal part in organising the army which dethroned the late king, does not appear; but that he was an unwilling, or a perfectly passive tool in the hands of the conspirators, is an assertion equally remote from the truth, although brought forward in the pages of our popular historians. It is, on the contrary, pretty apparent that the prince was seduced and blinded by the flattery and false views offered by the discontented barons. He was dazzled by the near

[1] He was born March 17, 1471-2; and at his accession was aged sixteen years and eighty-five days. MS. Notes of the Chronology of the reign of King James the Fourth, drawn up by the late Rev. Mr Macgregor Stirling. To this useful compilation, which is drawn almost exclusively from original documents preserved in the Register House at Edinburgh, and in other collections, I have been greatly indebted in writing the history of this reign.

prospect of a throne; and his mind, which was one of great energy and ambition, co-operated, without much persuasion, in their unworthy designs. After some time, indeed, the remonstrances of the few faithful adherents of his father awakened in him a violent fit of remorse; but his first accession to the throne does not appear to have been embittered by any feelings of this nature; and the voice of self-reproach was drowned for the time in the applauses of a flagitious but successful faction.

The leaders of this party did not lose a moment in rewarding their friends and adherents, and in distributing amongst themselves the offices which the rapid and total change in the administration of the government placed at their disposal. The assistance of the powerful families of the Humes and Hepburns was remunerated by grants dated the very day after the battle of Sauchie; the principal castles were intrusted to partisans of tried fidelity [1]—the money in the royal treasury was secured and delivered into the keeping of Sir William Knollys, lord St John of Jerusalem, treasurer to the king; and a deputation, consisting of the Bishop of Glasgow, the Earls of Angus and Argyle, with the Lords Hailes and Home, repaired to the castle to examine, and place in the hands of faithful persons, the jewels, and royal plate and apparel, which belonged to the late monarch at the time of his decease. The inventory taken upon this occasion is still preserved, and impresses us with no contemptible idea of the riches and splendour of the Scottish court.[2] After the body of the king had been interred in the Abbey of Cambuskenneth,[3] with all due solemnity, the court immediately proceeded to Perth, and held the ceremony of the coronation in the Abbey of Scone.[4] The organisation of the government, and distribution of its various offices to persons of tried fidelity, now took place. To the Prior of St Andrews was committed the keeping of the privy seal; upon the Earl of Argyle was bestowed the high office of chancellor; Hepburn, lord Hailes, was made master of the household; the Lords Lyle and Glammis became justiciaries on the south and north of the Forth; Whitelaw, sub-dean of Glasgow, was chosen to fill the office of secretary to the king; and upon the Vicar of Linlithgow, another of the now influential family of the Hepburns, was bestowed the office of clerk of the rolls and the council.[5]

From Scone the king proceeded to his palace of Stirling, where he took up his residence; and it seems to have been immediately resolved by the members of his council, that an embassy should proceed to England, for the purpose of conciliating the favourable disposition of that government to the revolution which had lately taken place in Scotland. It was perhaps dreaded that the spectacle of a prince dethroned by his subjects, under the authority of his son, was not likely to be acceptable to the English monarch; but Henry the Seventh, with his characteristic caution, did nothing precipitately. He granted safe-conducts to the Scottish ambassadors at the request of his dear cousin, James, king of Scots; whilst he, at the same time, took the precaution to provision and strengthen Berwick, a fortress against which, in the event of hostilities, he knew the chief efforts of Scotland would be directed.[6] The successful faction, however, in whose hands the government was now placed, were too anxious to preserve tranquillity at home to dream at present of a war with England. To conciliate the attachment of the youthful monarch —to reward their principal partisans—

[1] Mag. Sig. xii. 8, June 16, 1488. Ibid. xii. 7, June 17, 1488.

[2] See Illustrations, letter R.

[3] For proof of the interment of James the Third in the Abbey of Cambuskenneth, see Mag. Sig. xiii. 251, April 6, 1496.

[4] Balfour states (vol. i. p. 214) that James was crowned at Kelso. Pitscottie places the coronation, equally erroneously, at Edinburgh; and Lesley and Buchanan are silent on the subject. The Lord High Treasurer's books, under the date of July 14, 1488, prove it to have been at Scone. The day on which the coronation was held seems to have been the 26th of June.

[5] Mag. Sig. xii. 1, June 25, 1488.

[6] Rotuli Scotiæ, vol. ii. pp. 485, 486.

to arrest and disarm their enemies, and to acquire the affection of the people, by evincing an anxiety for the administration of justice, were objects which afforded them full employment. James already, at this early age, began to evince that admiration for the fair sex which wrought him much distress in his after years; and an attachment which he had formed, when Duke of Rothesay, for the Lady Margaret Drummond, the beautiful and unfortunate daughter of Lord Drummond, was encouraged by the obsequious father and the nobles who filled the principal offices about court.[1] Splendid shows and presents which were lavished on his mistress —theatrical entertainments got up for the solace of the youthful lovers— dances and masked balls at night, and hunting parties during the day, were artfully provided by those unscrupulous ministers, who knew that there is no more effectual method of degrading and destroying the human character than by dissolving it in pleasure.[2]

Amidst such revellings, however, the lords of the council devoted themselves uninterruptedly to more serious employment. Summonses of treason were issued against the Earl of Buchan, the Lords Forbes and Bothwell, along with Ross of Montgrenan, the king's advocate, whose bravery in a skirmish at the bridge of Stirling, previous to the battle of Sauchie, had endangered the life of the present king: these barons were commanded to abide their trial in the next parliament, and along with them were associated the Lairds of Cockpule, Amisfield, Innermeith, and Innes, with Sir Thomas Fotheringhame and Sir Alexander Dunbar.[3] At the same time, the lords justiciars, accompanied by the king in person, held their ambulatory courts or justice-ayres at Lanark, Dundee, Ayr, and other parts of the kingdom, taking care that the monarch should be attended by his huntsmen and falconers, his fool, "English John," and his youthful mistress, the Lady Margaret, lest a too exclusiv attention to business should irritate or disgust the royal mind. A three years' truce was soon after concluded with England; and on the 6th of October the first parliament of the new reign was opened at Edinburgh with great solemnity: it was numerously attended by all the three estates. For the clergy, there appeared Schevez, archbishop of St Andrews, with the prelates of Glasgow, Dunkeld, Aberdeen, Whitchurch, Dunblane, and the Isles, fourteen abbots, four priors, and various officials, deans, archdeans, and provosts of collegiate churches: for the temporal estate, there were present the Earl of Argyle, chancellor, along with the Earls of Angus, Huntly, Morton, Errol, Marshal, Lennox, Rothes, and Athole; the Lord Hailes, master of the household, Lord Lyle, high justiciar, with the Lords Hamilton, Glammis, Gray, Oliphant, Montgomery, Drummond, Maxwell, Grahame, Carlisle, Dirleton, and other noble persons, entitled either by their rank or by their offices to sit in parliament. There were present also the commissaries of the fifteen burghs. Upon the second day a committee of parliament, known as usual by the title of the Lords of the Articles, was nominated, consisting of nine members for the clergy, fourteen for the barons, and five for the burghs; whilst a smaller judicial committee, embracing three members of each estate, was selected for the decision of those weighty causes which were brought before parliament as a court of last appeal.

These preliminaries having been arranged, the more immediate business of the parliament proceeded, and the Earl of Buchan, Lord Bothwell, Ross of Montgrenan, the king's advocate, and others who had appeared in arms at the field of Stirling, were summoned to answer upon a charge of treason.

[1] Treasurer's Books, Sept. 15, 1488; and Ibid. October 3. For twa elne of fransche to be hir my Lady Mergatt, a goune, v lb. Item, for three elne of black ryssillis for a goune till her, v lb. viii. sh. Item, for golde, aysure, silver, and colouris till it, and warken of it, vi lb. xvii. sh. Item, for three unce of sylkis to frenzeis till it, xiii sh. Illustrations, letter S.

[2] Treasurer's Books, Aug. 5, 1488. To the players of Lythgow that playt to the king, v lb. Ibid. Aug. 20. Item, to dansaris and gysaris, xxxvi sh. Ibid. Aug. 16. Ibid. Aug. 10.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 201-206.

Of these persons the Earl of Buchan made confession of his guilt, and submitted himself to the king's mercy, a procedure which was rewarded by his pardon and restoration to the royal favour. The others were found guilty, and sentence of forfeiture pronounced against them; but in perusing the crimes laid to their charge, we must remember that the object of the opposite party, who now ruled all at court, was to throw the odium of the late rebellion on their opponents: they accused them accordingly of bringing in upon the kingdom their enemies of England; of an attempt to reduce under subjection and homage to that country the independent crown of Scotland; and of having advised their late sovereign, James the Third, to infringe repeatedly the stipulations which he had entered into with the nobles who were in arms against him.[1] There can be little doubt that if any party in the state were truly guilty of such crimes, it was rather that of the youthful king than those who had adhered to his father, but the treason of the prince's party had been crowned with success, and they were now all-powerful. Although Buchan therefore was pardoned upon his submission, Lord Bothwell was forfeited, and his lands and lordship erected into an earldom, and bestowed upon Lord Hailes, the master of the household; whilst the lands of Ross of Montgrenan, who at the same time was found guilty of treason, were conferred on Patrick Hume of Fast castle, for his services in the late disturbances. It was determined also that an embassy should be despatched to France, Spain, and Brittany, for the purpose not only of confirming amicable relations between Scotland and these powers, but with a special commission to search for a wife to the king, taking care that she be "a noble princess born, and descended from some worshipful house of ancient honour and dignity." The embassy was directed to consist of a bishop, an earl, a lord of parliament, a clerk, and a knight, with a retinue of fifty horse, and for the payment of their expenses, a tax of five thousand pounds was to be levied throughout the kingdom, two thousand to be contributed by the clergy, two thousand by the barons, and one thousand by the burghs; whilst at the same time it was specially directed that the contribution of the barons was to be paid by them and the free tenants, and not by the common people.

A remarkable enactment followed. In consequence of the high displeasure conceived by the sovereign against all who by their appearance in the field at Stirling were regarded as the chief promoters of the slaughter of his late father, it was directed that such of the rebels as were in possession of hereditary offices should be deprived of them for the period of three years. A determined effort was next made for the putting down of theft, robbery, and murder, crimes which at this moment were grievously prevalent, by dividing the kingdom into certain districts, over which were placed various earls and barons, to whom full authority was intrusted, and who promised on oath that they would to their utmost power exert themselves in the detection and punishment of all offenders. The Merse, Lothian, Linlithgow, and Lauderdale were committed to the care of Lord Hailes and Alexander Hume, the chamberlain, and Kirkcudbright and Wigtown also to Lord Hailes; Roxburgh, Peebles, Selkirk, and Lanark were intrusted to the Earl of Angus; whilst the same powerful baron, along with Lord Maxwell, undertook the charge of Dumfries. The districts of Carrick, Ayr, Kyle, and Cunningham were committed to Lord Kennedy, the Sheriff of Ayr, the Laird of Craigie, and Lord Montgomery; Renfrew, with Dumbarton, the Lennox, Bute, and Arran, to the Earl of Lennox, Lord Lyle, and Matthew Stewart; Stirlingshire to the Sheriff of Stirlingshire and James Shaw of Sauchie; Menteith and Straitgartney to Archibald Edmonston; Argyle, Lorn, Kentire, and Cowal to the chancellor, assisted by his son, the Master of Argyle; Glenurquhart, Glen-

[1] Acts of the Parliament of Scotland, vol. ii. p. 210.

lyon, and Glenfalloch to Neil Stewart, with Duncan and Ewen Campbell; Athole, Strathern, and Dunblane to the Earl of Athole, Lord Drummond, and Robertson of Strowan; the low country of Perthshire, and the district of Dunkeld, to Lord Oliphant; Angus, both in its highland and lowland district, to Lords Gray and Glammis, with the Master of Crawford; the sheriffdom of Fife to Lord Lindsay and the sheriff of the county; the Mearns to the Earl Marshal; and the extensive district reaching from the hilly range called the Mounth, northward to Inverness, to the Earls of Huntly and Errol, and the Laird of Inverugie.[1]

The parliament next directed their attention to the investigation of the causes of the late rebellion. From such interested judges, however, it would be vain to look for an impartial examination of this momentous question, and we accordingly find that the whole blame was thrown upon the late king and his iniquitous advisers, for so his ministers were denominated. The object of the conspirators was, of course, to deceive the people and the portion of the nobility and middle classes not immediately connected with the rebellion, and to insure safety to themselves under any subsequent revolution, by enabling them to plead a parliamentary pardon. It is not, therefore, matter of surprise that the opinion of parliament should be couched in strong terms. It declared that the whole matter having been examined by the three estates, they were unanimously of opinion, each man for himself, and under his loyalty and allegiance, that the slaughter committed in the field of Stirling, where the king's father happened to be slain, with others of his barons, was wholly to be ascribed to the offences, falsehood, and fraud practised by him and his perverse counsellors previous to this fatal conflict. The acquittal of the young king and his advisers was equally broad and energetic; and considering who it was that composed the act, it is difficult to peruse it without a smile. It observed, "that our sovereign lord that now is, and the true lords and barons who were with him in the same field, were innocent, quit, and free of the said slaughters, battle, and pursuit, and had no blame in fomenting or exciting them;" and it recommended that a part of the three estates, now assembled, selected from the bishops, great barons, and burgesses, should affix their seals to this declaration, along with the great seal of the kingdom, to be exhibited to the Pope, the Kings of France, Spain, Denmark, and such other realms as were judged expedient by the parliament.[2] In addition to these measures adopted for their own security, the party who now ruled the government commanded that all goods and movables belonging to "the poor unlanded folk," which had been seized during the troubles, should be restored; that all houses, castles, and lands, which had been plundered and occupied by the lords of the "one opinion" or of the other, should be again delivered to their proprietors; and that the heirs of those barons and gentlemen who died in arms against the king in the battle of Stirling, should be permitted to succeed to their hereditary estates and honours, notwithstanding the legal impediment arising out of their having been slain when in a state of rebellion.

The remaining provisions of this parliament related to the administration of justice, the commerce and the coinage of the realm, and the rewards and offices bestowed upon those who had figured in the late rebellion. It was directed that the king should ride in person to the various justice-ayres, and that his high justiciar should accompany him. Crichton of Ruthven was appointed warden of the mint, with injunctions to examine and assay the fineness of the gold and silver; and a singular provision was added, relative to the importation of bullion into the country. The merchants were commanded to bring in a

[1] Acts of the Parliament of Scotland, vol. ii. p. 208.

[2] Acts of the Parliament of Scotland, vol. ii. p. 207.

certain bulk of pure bullion, called in the act *burnt silver*, in proportion to the description and quantity of the goods which they exported.[1] It was next ordered that the castle of Dunbar should be entirely dismantled and destroyed, on account of the damage which it had already occasioned to the kingdom, and the likelihood of greater injury, in the event of its falling into the hands of the enemies of the government. The command of Edinburgh castle, with the custody of the Lord James, duke of Ross, the king's brother, whose education had hitherto been conducted in his tender years by Shaw, the abbot of Paisley, was intrusted to Lord Hailes, master of the household; and another powerful Border baron, Alexander Hume of Hume, was rewarded for his services by the office of high chamberlain.[2] In the same parliament the penalties of treason were denounced against the purchasers of presentations to benefices at the court of Rome, whether clergy or seculars, by which great damage was occasioned to the realm, and the proceedings were closed by a declaration that all grants signed by the late king, since the 2d of February 1487, the day upon which the prince, now king, took the field in arms against his father, were revoked, because made for the assistance of that treasonable faction which had been enemies to the realm, and had occasioned the death of the king's father.[3] Such is a view of the principal proceedings of four successive parliaments, the first of which, as already noticed, met on the 6th of October 1488, and the last on the 3d of February 1489.

But although the proceedings of the faction which had deposed and slain the king were vigorously conducted, and their measures for the security of their own power and the destruction of their opponents pushed forward with feverish haste and anxiety, it was soon demonstrated that they were ineffectual. The Earl of Lennox and Lord Lyle, disappointed probably with the division of the plunder, broke into revolt. Lyle occupied the strong fortress of Dumbarton, and held it out against the king; whilst Lennox and Matthew Stewart raised their vassals, garrisoned their castles and strongholds, and communicating with the northern counties, where attachment to the government of the late monarch seems to have been stronger than around the court, succeeded in organising a serious insurrection. In the murder of James the Third they possessed a subject for powerful appeal to the feelings of the nation, of which they were not slow to avail themselves. Lord Forbes marched through the country with the king's bloody shirt displayed upon the end of a spear, and this ghastly banner excited multitudes to join the insurrection. It was affirmed, and apparently on good grounds, that those who had cruelly murdered the father, now completely overruled the son, abusing his youthful facility of temper, and intruding into the highest offices of the state. Lord Drummond, whose daughter was mistress to the young monarch, presuming upon this circumstance, insulted the authority of the laws, and with his sons and kinsmen committed open spoliation in the country;[4] whilst Hepburn of Hailes, whom we have seen, in the former reign, in the rank of a minor baron, and whose conduct was then marked only by lawlessness and ferocity, suddenly rose into a state of power and consequence, which left the oldest nobility in the background. Within less than a year he had been created Earl of Bothwell, promoted to the office of lord high admiral, intrusted with the command of the castles of Edinburgh, Lochmaben, and Treiff, with the custody of the king's brother, the Duke of

[1] Thus for every serplaith of wool, for every last of salmon, for every four hundredth of cloth, four ounces of bullion were to be brought in, for which, on its delivery to the warden of the mint, the importer was to be paid at the rate of twelve shillings an ounce.

[2] Acts of the Parliament of Scotland, vol. ii. p. 211. Mag. Sig. xii. 52. October 13, 1488.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 211, 223.

[4] Acta Dominorum Concilii, Oct. 22, 1488. Ibid. Nov. 3.

Ross, and the wardenship of the western and middle marches.

But although liable to the charge of partiality and favouritism, the government of the young monarch partook of that energy which, in a greater or lesser degree, is always elicited by a revolution. Unlike his predecessors in their jealousy of the power of the nobles, James seems, on the contrary, to have early adopted the opinion, that the monarch was singly far too weak either to abridge the authority of his barons, or to rule the kingdom without their cordial co-operation. In the fate of his father he had before his eyes a terrible example of aristocratic vengeance; and aware that the same remorseless hands which had placed the crown upon his head, might, if provoked or injured, be the first to remove it in favour of a more obsequious prince, he determined to secure the stability of his throne by cultivating the affectionate attachment of his nobility. Amongst them were many men of great intellectual vigour and military talent. Drummond, the Earl of Bothwell, Hume, the high chamberlain, Argyle, the chancellor, and Whitelaw, subdean of Glasgow, the secretary, were all able assistants; and the character of the king himself, who was not only generous, openhearted, and liberal almost to profusion, but who possessed fair abilities along with great activity and courage, was well fitted to secure their friendship and command their respect.

It is not surprising, therefore, that the united strength of the throne and the nobles was too powerful for the rash attempt of Lennox. At the head of a force rapidly raised for the occasion, and accompanied by his chief officers of state, the king laid siege to his castles of Duchal and Crookston, which had been occupied by the rebels; whilst he sent Argyle, the chancellor, to assault Dumbarton, which was then held by Lord Lyle and Lennox's eldest son, Matthew Stewart.[1] Proclamation was also made, offering a reward of forty pounds' worth of land, or one thousand marks of silver, for the apprehension of these barons; and so vigorously did the young monarch proceed in his bombardment of Crookston and Duchal,[2] that he made himself master of both places within a short period. He then marched towards Dumbarton, where the rebels, having been joined by Lord Forbes, the Earl Marshal, Lord Crichton, and the Master of Huntly, only awaited the arrival of Lennox, before they made a united and desperate effort for the destruction of that faction, which, as they alleged, had enslaved the king, and risen on the ruins of the established government. They were not destined, however, to be successful. On his descent from the Highlands into the low country, Lennox's first intention was to pass the bridge at Stirling. Receiving information, however, that his enemies had occupied the town, and rendered this impracticable, he resolved to cross the Forth at a ford not far from the source of the river, and for this purpose encamped in a level plain called Talla Moss, about sixteen miles from Stirling. His force was principally composed of Highlanders; and one of these mountaineers, named Macalpin, deserting the camp, brought intelligence to the king and Lord Drummond at Dunblane, that it would be easy to destroy Lennox by a night attack, his army being so secure and careless, that they used no precautions against a surprise. This enterprise was no sooner suggested than it was carried into effect. In the middle of a dark October night, Drummond and the young monarch, at the head of a force hastily raised, and chiefly composed of the royal household, broke in upon the intrenchments of Lennox, and slew, dispersed, or made prisoners his whole army, pursuing the fugitives as far as Gartalunane, on the opposite side of the river. This success was immediately followed by the surrender

[1] Acts of the Parliament of Scotland, vol. ii. p. 223.

[2] The siege of Duchal seems to have taken place in the end of July 1489. Mag. Sig. xii. 132. July 28, 1489. There were still some remains of this ancient castle in 1792. Stat. Account, vol. iv. p. 278.

of Dumbarton, and the complete suppression of the conspiracy; after which the sovereign and his ministers appear to have acted with a judicious clemency, which had the effect of quieting the kingdom; Lennox, Huntly, Marshal, Lyle, and Forbes being not only pardoned, but soon after restored to the royal favour.

The necessary consequence of this abortive attempt at insurrection, was to give additional strength to the government; and a brilliant naval action which took place about the same time, increased its popularity. Under the former reign, Sir Andrew Wood, a naval officer of high talent and experience, had distinguished himself by his successes against the English, but his attachment to his old master, James the Third, of whom he was a favourite, prevented him from giving in his immediate adherence to the government of his son. He was soon reconciled, however, to the young monarch, who early evinced an enlightened desire to encourage the maritime strength of the country by applying himself personally to the study of ship-building and naval tactics; and about the time of Lennox's defeat, Wood commanded a small squadron in the Forth, which had been successful in its cruises against the English pirates who then infested the narrow seas.[1] Unauthorised by their own government, these audacious adventurers committed great depredations, plundering the Scottish merchantmen and fishing-craft, making descents upon the coast towns, and carrying off their riches and their inhabitants. At this time a fleet of five pirate ships had entered the Clyde, and after committing their usual havoc, greatly incensed the young monarch by giving chase to a vessel which was his own property.[2] James earnestly represented the matter to Wood, and required his assistance in repelling so unjustifiable an attack, committed at a period of profound peace, when a three years' truce existed between the two countries. Nor, whatever might be his opinion regarding the persons who managed the government, could this brave officer resist the appeal of his sovereign. With only two ships, the *Flower* and the *Yellow Carvel*, he attacked the English squadron; and, notwithstanding his inferiority in force, after an obstinate action, the five piratic vessels were captured and carried into Leith.[3] If we are to believe the Scottish historians, the King of England, although in the time of truce he could not openly attempt retaliation, or give his countenance to hostilities, took care to let it be understood that nothing would be more grateful to him than the defeat of Wood; and Stephen Bull, an enterprising merchant and seaman of London,[4] having fitted out three stout vessels, manned by picked mariners, a body of crossbows, and pikemen, and various knights who volunteered their services, proceeded with much confidence of success against the Scottish commander. Bull, who had intelligence that Wood had sailed for Flanders, and was soon expected on his voyage homeward, directed his course to the May, a small island in the mouth of the Firth of Forth, about an equal distance from the opposite shores of Fife and Lothian, behind which he cast anchor, and, concealed from any vessels entering the Forth, awaited the expected prize.

[1] That the exploits of Sir Andrew Wood were performed against pirates is proved by a charter dated May 18, 1491. Mag. Sig. xii. 304. Illustrations, letter T.

[2] Treasurer's Books. Feb. 18, 1489. Item, after the kingis schip wes chaysit in Dunbertane be the Inglismen, and tynt hir cabillis and oder graytht sent with Johne of Haw, xviii lib.

[3] It is probable that this first action of Sir Andrew Wood took place some time after the 18th of February 1489.

[4] I find in the valuable historical collections, entitled "Excerpta Historica," edited by Sir Harris Nicolas, No. I. p. 118, the following entry in the privy purse expenses of Henry the Seventh:—"To Steven Bull and Barnesfeld, seeking for Perkin, for their costs, £1, 6s. 8d." Perkin Warbeck, at this time, (1498,) had eluded his keepers, and fled to the sea-coast; and Henry, afraid of his making his escape from the kingdom, employed Bull, probably his most active seacaptain, to watch the coast and recapture him. This is corroborated by the next entry:—"To four yeomen watching one night with four botes, 6s. 8d."

It was not long before two vessels appeared in the looked-for course off St Abb's Head, a promontory on the coast of Berwickshire; and the English captain, who had seized some Scottish fishing-boats with their crews, sent the prisoners aloft to watch their approach, and report whether it was Wood. On their answering in the affirmative, Bull cleared his ships for action, and the Scottish admiral, who sailed fearlessly onward and little dreamt of interruption, found himself suddenly in the presence of the enemy. He had time, however, for the necessary orders; and such was the excellent discipline of his ships, and rapidity of his preparations, that the common mischiefs of a surprise were prevented, and his gunners, pikemen, crossbows, and firecasters stood ready at their several stations, when he bore down upon the English. All this had taken place in the early dawn of a summer morning; and whilst Wood skilfully gained the windward of his opponents, the sun rose, and shining full upon them, exhibited their large size and splendid equipment to the best advantage. Bull instantly opened his cannonade, with the object of deciding the action whilst the Scots were still at some distance; but, from the inferior dimensions of their ships, the shot passed over them and took little effect; whilst their opponent hoisted all his canvas, and ran close in upon the English, casting out his grappling hooks, and even lashing the enemy's ships by cables to his own. A close and dreadful combat succeeded, in which both parties fought with equal spirit, so that night parted the combatants, and found the action undecided. In the morning the trumpets sounded, and the fight was renewed with such determined bravery, that the mariners, occupied wholly with the battle, took little heed to the management of their vessels, and permitted themselves to be drifted, by a strong ebb-tide, into the mouth of the Tay. Crowds of men, women, and children now flocked to the shore, exhibiting, by their cries and gesticulations, the interest they took in their countrymen; and at last, though with great difficulty, the valour and superior seamanship of Wood prevailed over his brave opponent. The three English ships were captured and carried into Dundee, whilst Bull, their commander, was presented by Wood to his master, King James, who received him with much courtesy, and after remonstrating against the injuries inflicted by the English privateers upon the Scottish shipping, dismissed him without ransom, and gave the prisoners their liberty. It is said, however, that he at the same time warned Henry that this liberal conduct could not be repeated; and that he trusted the lesson given to his captains would convince him that the Scots possessed the power of defending their commerce, which they would not scruple to exert on every occasion where the liberties of their merchantmen were invaded. To Wood, the king, with the ardour and enthusiasm for warlike renown which distinguished his character, extended his special favour. When the seaman was not engaged in his naval or commercial duties, for the two professions of a merchant and a sailor were then strictly connected, he retained him at court—kept him much about his person—rewarded him by grants of lands, and under his instructions devoted much of his attention to the improvement of the naval strength of his dominions.

Soon after this an extraordinary conspiracy against the Scottish monarch was fostered at the English court, of which James and his ministers appear at the moment to have had no suspicion. Ramsay, lord Bothwell, the favourite of James the Third, who, after the accession of his son, had escaped to England along with the Earl of Buchan, so lately the subject of the royal clemency, and a person designing himself "Sir Thomas Tod, of the realm of Scotland," entered into an agreement with Henry the Seventh, that they would seize and deliver the King of Scots, and his brother, the Duke of Ross, into the hands of the English monarch. To assist them in this treasonable enterprise, Henry ad-

vanced the loan of two hundred and sixty-six pounds, which, as he carefully stipulated, was to be restored to him by a certain day, and for the fulfilment of this agreement Tod delivered his son as a hostage.[1] It is affirmed in the obligation drawn up at Greenwich, unfortunately the only public paper which throws light upon this dark transaction, that besides Buchan, Bothwell, and Tod, various other persons were involved in the conspiracy. Their names certainly appeared in the original "indentures," but these are now lost; and such seems to have been the secrecy which covered the whole transaction, that at the moment when the English king was engaged in bribing James's subjects to lay violent hands upon his person, the Scottish monarch had despatched the Archbishop of St Andrews on an embassy to England, and a meeting was appointed between his commissioners and those of Henry, to make an amicable arrangement regarding the mutual infractions of the truces upon the Borders, and the prolongation of the pacific intercourse between the two kingdoms.[2]

Soon after this the parliament assembled at Edinburgh, and various important measures were carried into effect regarding the foreign alliances of the country, and the internal administration of the government. The Earl of Huntly was appointed king's lieutenant north of the water of Esk, till the sovereign, who was now in his twentieth year, had reached the age of twenty-five. It was resolved that Hepburn, earl of Bothwell, and the Bishop of Glasgow should be sent on an embassy to France for the purpose of renewing the alliance with that kingdom, and confirming the commercial privileges mutually enjoyed by the French and the Scottish merchants; after which the ambassadors were to proceed to the court of Spain, or other parts, to seek a bride for the young king. An embassy was also despatched to the court of Denmark, with the object of renewing the amicable commercial relations which already subsisted between Scotland and that country; some wise but ineffectual measures were attempted for the restoration of peace and good order, by the punishment of those who committed slaughter or rapine, and were guilty of dismembering the king's lieges; enactments were renewed against the old grievance of leagues or bands amongst the nobles and their feudal tenantry; and the chancellor, with certain lords of council, or in their absence the lords of session, were commanded to sit for the administration of justice thrice every year. Attention was also paid to the interests of the burghs. It was ordained "that the common good, meaning the profits and revenues of all the royal burghs within the realm, should be so regulated as to promote the prosperity of the town, by being spent according to the advice of the council of the burgh upon things necessary for its security and increase, whilst the burgh rents, such as lands, fishings, mills, and farms, were not to be disposed of except upon a three years' lease." At the same time, all sheriffs, bailies, and provosts of burghs were commanded to take copies of the acts and statutes now passed, which were to be openly proclaimed within the bounds of their office.[3]

Some of the consequences which might easily have been anticipated from the conspiracy which had placed the young monarch upon the throne began now to take place in Scotland. James, as he increased in years and understanding, became convinced that he had been made the tool of an artful and selfish faction, whose principal object was private plunder, the preservation of their own overgrown power, and the diminution of the authority of the crown. By degrees he called around him, and restored to places of trust and authority, the counsellors of his late father, whom he attached to his interests by the remorse which he expressed for his crime,

[1] Rymer, Fœdera, vol. xii. p. 440. April 18, 1491.

[2] Rotuli Scotiæ, vol. ii. p. 497.

[3] Acts of the Parliament of Scotland, vol. ii. p. 227.

and the warmth, openness, and generosity of his disposition. Amongst these advisers were some able individuals. Andrew Wood of Largo, whom we have so lately seen victor over the English fleet, and whose genius for naval adventure was combined with a powerful intellect in civil affairs, rose gradually to be one of the most intimate and confidential servants of the king, and appears to have been often consulted, especially in all his financial concerns. Wood combined in his character various qualities, which to our modern judgment appear strange and inconsistent. He was an enterprising and opulent merchant, a brave warrior and skilful naval commander, an able financier, intimately acquainted with the management of commercial transactions, and a stalwart feudal baron, who, without abating anything of his pride and his prerogative, refused not to adopt in the management of his estates some of those improvements whose good effects he had observed in his voyages and travels over various parts of the continent. The advice of such a counsellor was of great value to the young monarch, and as Wood was remarkable for his affectionate attachment to the late king, and for the bold and manly tone in which he had reprobated the rebellion against him, it was not wonderful that his influence over the present sovereign should be exhibited in a decided change in the principles upon which the government was conducted. The leading lords who had instigated the revolt were treated with coldness, suspicion, and, at last, open severity. The Earl of Angus, from his great estates and connexions one of the most powerful nobles in Scotland, resented this by passing into England, where he concluded with Henry the Seventh a secret and treasonable treaty, of which unfortunately little but the existence is known.[1] On his return, however, he was met by the lion herald, who charged him in the king's name to enter his person in ward in his fortress of Tantallon;[2] and soon after James deprived him of his lands and lordship of Liddesdale, with the strong castle of Hermitage, which, as the price of his pardon, he was compelled to resign to the Earl of Bothwell, admiral of Scotland, and warden of the west and middle marches.[3] A reward was offered at the same time to any person who should discover the murderers of the late king, but as it was well known that if this expression had been understood to include the authors of the conspiracy, the search could not have been a protracted one, the cautious proviso was added, that the sum was only to be given in the event of the informant making it certain who were the persons who slew the king "*with their own hands*," an expression thrice repeated in the body of the statute, and from which it may perhaps be fairly inferred that whilst the actual butcher of the unhappy prince was unknown, the "heavy murmurs" and voice of the people pointed out some potent individuals with whom it was certain that he was connected. It does not appear, however, that the hundred marks' worth of land in fee and heritage—the reward held out—was ever claimed by any one; and to this day the hand by which the king was so foully slain is unknown.

Another proof of the change of councils, and of the determination of the sovereign to withdraw his confidence from those who had possessed themselves of the supreme power immediately after the battle of Sauchie, is to be found in a complaint which was now made regarding the disappearance of the royal jewels and treasure. We have already seen[4] that these, a few days after the death of the late king, were taken possession of by the Bishop of Glasgow, along with the Earls of Angus and Argyle, with the intention of being placed in the hands of faithful persons, who were to be responsible for their safe custody. It was now

[1] Ayloffe's Calendars of Ancient Charters, p. 313. A fragment of these "Articles" is preserved amongst Rymer's unpublished collections, now in the British Museum. Henry VII. vol. i. p. 126.

[2] Treasurer's MS. Accompts, July 29, 1491.

[3] Mag. Sig. xii. 323, 344. March 6, 1491.

[4] Supra, p. 245.

discovered, however, that a very small part of this treasure had reached the coffers of the king; a strict inquiry was ordered to be instituted for the detection of those who had stolen or concealed it; and they to whom it had been first intrusted were directed to be examined before the king's council, so that it might be discovered how they had parted with the treasure—into what hands it had been delivered—and what was its exact amount.[1] Whether such measures were followed by the desired success, seems more than problematical.

But although all this very decidedly demonstrated a change in the principles upon which the government was conducted, the party which headed the late rebellion were still too strong, and the young king had identified himself too deeply with their proceedings, to render it advisable to commence a more serious or direct attack; and with regard to the foreign relations of the country, the preservation of peace with England, and the maintenance of a friendly intercourse with the courts of France, Spain, Denmark, and the Netherlands, were wisely insisted on by the counsellors of the young monarch as absolutely necessary for the wellbeing of his kingdom. Yet, secured as it was by repeated truces, and strengthened by negotiations and proposals of marriage for the young monarch with some princess of the blood-royal, the good understanding with England could neither be cordial nor sincere. The treasonable intercourse which some of the most powerful of James's subjects carried on with Henry the Seventh, and the audacious designs of seizing the king's person, which this monarch encouraged, if they transpired even partially, must have disgusted an ardent and impetuous spirit, such as James, with the crafty and dishonourable politics of the English king; and as it is certain that, as this period, in Scotland, the system of employing paid spies became prevalent, it may be conjectured that the king was not wholly ignorant of the plots in agitation against him. It was his secret desire, therefore, although not yet his declared resolution, to break with England, and the causes of the war which, in a few years, was kindled between the two countries, may be traced, with great probability, to this period; but in the meantime the appearance of peace was preserved, and James assiduously devoted himself to the preservation of good order throughout his dominions, and the distribution of strict and impartial justice to all classes of his subjects.

In a parliament held at Edinburgh in the summer of the year 1493, some important laws were passed, which evinced the jealousy of the king regarding any interference with his ecclesiastical privileges in the disposal of church benefices, and his determination to resist all unreasonable encroachments upon the part of the court of Rome. Eight months were to be allowed, after the occurrence of a vacancy in any see, for the king's letter, appointing a successor, to reach the Pope; no interim promotion was to be allowed; and any of the lieges who were detected lending themselves or their interest to oppose these regulations, were declared guilty of treason. No legate was to be permitted to enter the realm, unless he was a cardinal or a native of Scotland; and the Archbishops of St Andrews and Glasgow, who had been for some time engaged in a violent litigation, which had been carried on before the Papal court, and the expense of which plea had been attended, it is declared, with "inestimable damage to the realm," were exhorted to cease from their contention before a foreign ecclesiastical tribunal, submitting to the decision of the king; under the serious denunciation, that if they demur to this proposal, their tenants and "mailers" shall be interdicted from paying to them their rents till they have repented of their contumacy.[2] The king's orators and ambassadors who were sent to Italy received directions to exhort and entreat all his subjects, whether of the clergy or lay-

[1] Acts of the Parliament of Scotland, vol. ii. p. 230.

[2] Acts of the Parliament of Scotland, vol. ii. p. 232.

men, who had pleas depending in the Roman Court, to withdraw their litigation, and to return, like dutiful subjects, to their own country, bringing with them their bulls, writs, and other muniments, after which the monarch undertook that justice should be administered to them by their ordinary judge within whose jurisdiction the cause lay, and over whose conduct, in delivering an impartial decision, he engaged to have a strict superintendence. As the king had now attained majority, and his counsellors were anxious that the wild and capricious passions in which his youth had hitherto been passed should, if possible, be restrained by a legitimate union, the proposal was renewed of sending an embassy abroad to treat in France, or in any other realm where it might be judged expedient, of the king's marriage; and in addition to the tax already agreed to by the clergy, barons, and commissaries of the burghs for this purpose, the three estates consented to give a thousand pounds additional, "for the honourable hame-bringing of a queen."

Some enactments were also passed at this time, which evinced a faint dawning of a more liberal spirit of commercial legislation than had yet appeared in parliament. The deacons, and head craftsmen of particular trades, were in the custom of "imposing a taxation penny upon men of the same craft coming to market on the Mondays," by which it necessarily followed that the prices demanded for the articles were higher than those at which they had afforded to sell them previous to such an imposition. The tax was therefore commanded to be discontinued, so that the craftsmen, without interference upon the part of the deacons of the burghs, might be at liberty to sell their commodities at the usual prices. The parliament, however, proceeded too far, when they abolished, for a year to come, the office of deacons of men of craft in burghs, restricting their authority to the simple examination of the sufficiency and fineness of the work executed by the artisans of the same trade. It had been found, it was declared, that the authority of these officers, and the by-laws which they enacted, were the cause of great trouble in the burghs, in leading to convocations and "rysing" of the king's lieges, in increasing the prices of labour, and encouraging those combinations for the purpose of compelling a consent to their unreasonable demands, from which we have sometimes seen such injurious effects in our own days. It was declared, accordingly, that all "makers and users of these statutes were to be prosecuted as oppressors of the king's lieges." Another grievance was removed, which bore heavily upon the agricultural prosperity of the country. Hitherto the flour brought to the various markets throughout the kingdom, or to the port of Leith, had been subjected to the payment of a certain tax or "multure," in addition to the local tax for grinding, which, by the feudal law, it was bound to pay to the barony mill where it had been ground. This severe double duty was now removed; and it was declared that for the future all flour should be permitted to be brought to market, and sold without payment of any new taxation, and that all manner of persons should be free to bring and sell their victual throughout the land, all the days of the week, as well as on the market-days.[1]

An act followed, which evinced in the legislature an awakening interest in the fishery,—a branch of national wealth from which, under proper cultivation, the richest fruits might be expected, but which had hitherto been unwisely neglected. It was enacted that, "considering the great and innumerable riches" that is lost for want of ships and boats, with their appropriate nets and tackling, which are found in all other realms commanding a great extent of seacoast, the parliament judged it proper that ships and "buschis," or fishing-boats, should be built in all burghs and fishing-towns within the realm, so that they might be ready to proceed to the fishery before Fastren's

[1] Acts of the Parliament of Scotland, vol. ii. p. 234.

Even following. These boats were directed to be of twenty tons, and the burghs and sea-coast towns were to be obliged to build and rig them out, according to their substance, with all conveniences for the taking of large and small fish. The officers in the burghs and regalities were ordered at the same time to apprehend and press on board these vessels all "stark idle men," under pain of their being banished in case of refusal.

Whilst the parliament was thus severe upon the idle and the dissolute who refused to submit to all regular labour, it is pleasing to discern a glimpse of sympathy for the unmerited suffering and hard condition of the great body of the lower orders of the people. In a former statute a severe fine had been imposed upon all persons who were detected setting fire to the heather or gorse in which the birds of game had their nests,—a practice often absolutely necessary for the success of any attempt at agricultural improvement, but encroaching upon that feudal mania for hunting and hawking which, since the period of the Norman Conquest, had infected the nobles of Britain, and grievously abridged the rights and liberties of the subject. It was now discovered that the persons detected in "mure-burning" were not the real offenders. "It was found," to use the expressive words of the statute, "that the poor bodies that dwelt in '*malings*,' or upon small divisions of land rented to them by their landlords, in setting fire to the gorse, were simply obeying the bidding of their masters;" and in consequence of this the fine was henceforth directed to be levied, not on this large and meritorious class, but upon the proprietors of the "maling" which they laboured.[1]

Some regulations regarding the coinage and importation of bullion, and an enactment by which the high and disproportionate prices which were charged by craftsmen and victuallers were ordered to be reduced to a more equitable standard, terminated the resolutions of the three estates in this parliament.[2]

Hitherto there is reason to believe that the great majority of the barons were deplorably ignorant, and careless of all liberal education. A better spirit, however, now appeared; and the invention of printing, with the revival of classical learning, causes which had long been operating the happiest effects in the continental nations, began, from their frequent communication with Scotland, to be perceptible in producing the moral and intellectual improvement of that country. In a parliament held three years subsequent to that which has just been noticed,[3] it was ordered that, throughout the kingdom, all barons and freeholders, whose fortunes permitted it, should send their sons to the schools as soon as they were eight or nine years old, to remain there until they had attained a competent knowledge of the Latin tongue; after which they were directed to place them, for the space of three years, as pupils in the seminaries of art and law, so that they might be instructed in the knowledge of the laws, and fitted as sheriffs and ordinary judges, to administer justice, under the king's highness, throughout the realm; whilst, it is added, by this provision the "poor people of the land will not be obliged, in every trifling offence, to seek redress from the king's principal council."

For a considerable time past the condition of the Highlands, and the reduction of such wild and remote districts under a more regular form of government than that to which they had hitherto submitted, appears to have been a subject which occupied a large share of the attention and anxiety of the sovereign. To attach to his interest the principal chiefs of these provinces; to overawe and subdue the petty princes who affected independence; to carry into their territories, hitherto too exclusively governed by their own capricious or ty-

[1] Acts of the Parliament of Scotland, vol. ii. p. 235.

[2] Acts of the Parliament of Scotland, vol. ii. p. 238.

[3] Parliament, June 13, 1496.

rannical institutions, the same system of a severe, but regular and rapid administration of civil and criminal justice, which had been established in his Lowland dominions, was the laudable object of the king; and for this purpose he succeeded, with that energy and activity which remarkably distinguished him, in opening up an intercourse with many of the leading men in the northern counties. With the Captain of the clan Chattan, Duncan Macintosh; with Ewan, the son of Alan, Captain of the clan Cameron; with Campbell of Glenurcha; the Macgilleouns of Dowart and Lochbuy; Mackane of Ardnamurchan; the Lairds of Mackenzie and Grant; and the Earl of Huntly, a baron of the most extensive power in those northern districts—he appears to have been in habits of constant and regular communication, rewarding them by presents, in the shape either of money or of grants of land, and securing their services in reducing to obedience such of their fellow-chieftains as proved contumacious, or actually rose into rebellion.[1] But James was not content with this. He rightly judged that the personal presence of the sovereign in those distant parts of his dominions would be attended with salutary effects; and in 1490, on two different occasions, he rode, accompanied by his chief counsellors and the lords of his household, from Perth across the "Mounth," the term applied to the extensive chain of mountains which extends across the country, from the border of the Mearns to the head of Loch Rannoch. In 1493, although much occupied with other cares and concerns, he found time to penetrate twice into the Highlands, proceeding as far as Dunstaffnage and Mingarry in Ardnamurchan,[2] and in the succeeding year such was the indefatigable activity with which he executed his public duties, that he thrice visited the Isles.[3] The first of these voyages, which took place in April and May, was conducted with great state. It afforded the youthful monarch an opportunity of combining business and amusement, of gratifying his passion for sailing and hunting, of investigating the state of the fisheries, of fitting out his barges for defence as well as pleasure, and of inducing his nobles to build and furnish, at their own expense, vessels in which they might accompany their sovereign. It had the effect also of impressing upon the inhabitants of the Isles a salutary idea of the wealth, grandeur, and military power of the king. The rapidity with which he travelled from place to place, the success and expedition with which he punished all who dared to oppose him, his generosity to his friends and attendants, and his gay and condescending familiarity with the lower classes of his subjects, all combined to increase his popularity, and to consolidate and unite, by the bonds of equal laws and affectionate allegiance, the remotest parts of the kingdom.

At Tarbet, in Cantire, he repaired the fort originally built by Bruce, and established an emporium for his shipping, transporting thither his artillery, laying in a stock of gunpowder, and carrying along with him his master-gunners, in whose training and practice he appears, from the payments in the treasurer's books, to have busied himself with much perseverance and enthusiasm.[4] These warlike measures were generally attended with the best effects; most of the chieftains readily submitted to a prince who could carry hostilities within a few days into the heart of their country, and attack them in their island fastnesses with a force which they found it vain to resist; one only, Sir John of the Isles,

[1] Treasurer's MS. Accompts, Nov. 21, 1488. "Item, til ane man to passe to the lard of Frauchie [Grant] for a tratoure he tuke, x sch." Ibid. September 19, 1489. Ibid. October 22, 1489; November 10, 1489; August 16, 1490; August 26, 1492; August 18, 1493; January 5, 1493.

[2] Mag. Sig. xiii. 200. August 18, 1493. Ibid. xiii. 104. October 25, 1493.

[3] Treasurer's Accounts, "To J. M'chadame, after Pasche, the time that the king past to the Isles, 3½ elns rowane tany iii lb. xvii shillings." April 1494.

[4] Treasurer's Accounts, July 5—July 24, 1494.

had the folly to defy the royal vengeance, ungrateful for that repeated lenity with which his treasons had been already pardoned. His great power on the Isles probably induced him to believe that the king would not venture to drive him to extremities; but in this he was disappointed. James instantly summoned him to stand his trial for treason; and in a parliament, which assembled at Edinburgh soon after the king's return from the north, this formidable rebel was stripped of his power, and his lands and possessions forfeited to the crown.[1]

A singular and interesting episode in the history of Scotland now presents itself in the connexion of James the Fourth with that mysterious impostor, Perkin Warbeck; and there seems to be a strong presumption, almost amounting to proof, that the plots of the Duchess of Burgundy received the countenance and support of the Scottish monarch at a much earlier period than is commonly assigned by the popular historians of either country.[2] One of the most remarkable features in the government of the Scottish monarch, and one which strikingly points out the rising influence and importance of the kingdom, was the constant and intimate communication which he maintained with the continent. With France, Spain, Portugal, Denmark, and Flanders, the intercourse was as regular and uninterrupted, not only in the more solemn way of embassies, but by heralds, envoys, and merchants, as that carried on with England; and with the Duchess of Burgundy, the inveterate enemy of Henry the Seventh and the house of Lancaster, James had established a secret correspondence only five months after his accession to the throne. It is well known that the plots of this enterprising woman were chiefly fostered by her friends and emissaries in Ireland; and when we find, as early as the 4th of November 1488, Sir Richard Hardelston and Richard Ludelay de Ireland proceeding on a mission to the Scottish court from this princess, it is difficult to resist the conclusion that James was well aware of her intended conspiracy, although whether he was admitted into the secret of the imposition attempted to be practised upon England is not easily discoverable.[3] This accession to the plot is corroborated by other strong facts. In the course of the same month, in which the first envoys arrived, James received letters from the duchess by an English herald; and towards the conclusion of the year in which this intercourse took place, the Scottish monarch was visited by a herald from Ireland, who was immediately despatched upon a private mission to the Duchess of Burgundy, whilst a pursuivant was sent from Scotland to communicate with certain individuals in England, whose names do not appear.[4] It is well known that the conspiracy was encouraged by Charles the Eighth of France, who invited Perkin into his kingdom, and received him with high distinction; whilst the Earl of Bothwell, one of James's principal favourites and counsellors, repaired soon after to that

[1] Treasurer's Accounts, August 24, 1494. "Item, to summon Sir John of the Isles, of treason in Kintire, and for the expense of witnesses, vi lb. xiii sh. iiii d." This, according to Mr Gregory, was Sir John, called "Canoch" or the handsome, of Isla and Cantire, and Lord of the Glens in Ireland—executed afterwards at Edinburgh about the year 1500.

[2] Warbeck's connexion with James is generally believed to have commenced shortly before his alleged arrival in Scotland, in 1496. It is certain, however, that he arrived there in 1495, and he seems to have been long in secret treaty with James.

[3] Mag. Sig. xii. 59. Nov. 4, 1488. Safe-conduct by James the Fourth at Edinburgh to Richard Hardelstoun, knight, and Richard Ludelay de Ireland, Englishmen, with forty persons, at the request of Dame Margaret, duchess of Burgundy.

[4] Treasurer's Accounts, Nov. 26, 1488. "To an English herald, that came with letters from the Dutchess of Burgundy, x lb." Again, in Treasurer's Accounts, September 21, 1489, "Item, to Rowland Robyson," (this person was afterwards in the intimate confidence of Perkin,) "that brought the letters to the king from the Dutchess of Burgundy, v lb. viii sh." Ibid. Feb. 27, 1489. "Item, to the harrot that came furth of Ireland, and past to the Dutchess of Burgundy, xviii lb. Item, to the Scottis bute persyvant that past the same time in England, xvii lb. viii sh."

court, and remained for some months engaged in these private negotiations. Warbeck was at this time treated like a prince. A guard of honour was appointed to wait upon his person, commanded by Monipenny Sieur de Concressault, a Scotsman by descent, but whose family had been long settled in France, and who, not long after, proceeded as ambassador to Scotland from the court of France.[1]

Towards the conclusion of the year 1491, the intercourse, which hitherto had been involved in great obscurity, became more open and avowed. Warbeck, who was then in Ireland, where he had been joined by the Earl of Desmond, despatched one of his English followers, named Edward Ormond, to the Scottish court with letters for the king, and the readiness with which James entertained the communication, although deeply engaged with the internal administration of his own dominions, evinces a prior intimacy with the conspiracy and its authors.[2] The intrigues, however, with which this extraordinary person was then occupied in France, England, and Flanders, left him little time to follow out his correspondence with the Scottish monarch, and it was not till the year 1494 that he renewed his intercourse with James. On the 6th of November of that year the king received intimation from the Duchess of Burgundy, that the "Prince of England," the name by which he is mentioned in the ancient record which informs us of this fact, was about to visit Scotland; and preparations for his honourable reception were commenced at Stirling.[3]

Henry, however, there is reason to believe, was well aware of these intrigues in Scotland. Various Scotsmen, amongst the rest a Scottish knight of Rhodes, probably Sir John Knollis, who had lately passed into England, and Ramsay, lord Bothwell, the favourite of James the Third, were in the pay of the English king;[4] whilst in Flanders, Lord Clifford, who had at first warmly embraced the cause of the counterfeit prince, was corrupted by a large bribe; and after amusing his friends and adherents by a series of negotiations which drew into the plot some of the ancient and noble families of England, concluded his base proceedings by betraying them to the English monarch. This discovery was a fatal blow to the Yorkists. Their project was probably to have proclaimed Perkin in England, whilst his numerous adherents engaged to rise in Ireland; and the Scottish monarch was to break at the head of his army across the Borders, and compel Henry to divide his force. But the Border chiefs, impatient for war, invaded England too soon; and it happened, unfortunately for Warbeck, that whilst a tumultuous force, including the Armstrongs, Elwalds, Crossars, Wighams, Nyksons, and Henrisons, penetrated into Northumberland,[5] with the hope of promoting a rising in favour of the asserted Duke of York, the treachery of Clifford had revealed the whole particulars of the conspiracy; and the apprehension and execution of the ringleaders struck such terror into the nation, that the cause of Perkin in that country was for the present considered hopeless.

He had still, however, to look to Ireland and Scotland. Amongst the Irish the affection for the house of York, and the belief in the reality of his pretensions, was exceedingly strong. It is difficult, indeed, to discover whether the Scottish king was equally credulous; yet, either as a believer or a politician, James determined to support the sinking fortunes of the counterfeit prince. For this purpose an

[1] Bacon's Life of Henry VII. Apud Kennet, vol. i. p. 607. Pinkerton, vol. ii. p. 28.

[2] Treasurer's Books, March 2, 1491. "Given at the king's command to an Englishman, called Edward Ormond, that brought letters forth of Ireland fra King Edward's son and the Earl of Desmond, ix lb."

[3] "Item, for carriage of the arras work forth of Edinburgh to Stirling, for receiving the Prince of England, xxx sh." Treasurer's Books, November 6, 1494.

[4] Nicolas, Excerpta Historica, part i. p. 93.

[5] This raid or invasion, which is unknown to our historians, is mentioned nowhere but in the record of justiciary, Nov. 1493. Mr Stirling's MS. Chron. Notes, pp. 50, 55.

intercourse was opened up with Ireland, and O'Donnel, prince of Tirconnel, one of the most powerful chiefs in that country, repaired to the Scottish court, where he was received by the king with great state and distinction.[1] The particulars of their conferences are unfortunately lost to history; but there can be little doubt that they related to the efforts which James had determined to make for the restoration of the last descendant of the house of York to the throne of his alleged ancestors. At this time war appears to have been resolved on; and although Henry, justly alarmed by the state of his kingdom, still torn by public discontent and secret conspiracy, endeavoured to avert the storm by proposals for the marriage of James with his daughter the Princess Margaret,[2] this monarch rejected the alliance with coldness; and resolved that he who had not scrupled to sow treason amongst his barons, and to lay plots for the seizure of his person, should at length feel the weight of his resentment.

Accordingly, in the month of November 1495, Warbeck, under the title of Prince Richard of England, was received with royal honours at the palace of Stirling;[3] and whatever scepticism James may hitherto have indulged in, there is certainly strong ground to believe that the art of this accomplished impostor, his noble appearance, the grace and unaffected dignity of his manners, and the air of mystery and romance which his misfortunes had thrown around him, contributed to persuade the king of the identity of his person, and the justice of his claim upon the throne of England. He was welcomed into Scotland with great state and rejoicing. The king addressed him as "cousin," and publicly countenanced his title to the crown. Tournaments and other courtly festivals were held in honour of his arrival; and James, accompanied by his nobility, conducted him in a progress through his dominions, in which, by his handsome person and popular manners, he conciliated to himself the admiration of the people. But this was not all. The Scottish monarch bestowed upon his new ally the hand of Catherine Gordon, daughter of the Earl of Huntly, a lady of extraordinary beauty and accomplishments, who, by her mother, the daughter of James the First, was nearly related to the royal family,—a step which appears to guarantee the sincerity of James's present belief in the reality of his pretensions.

More serious measures were now resorted to, and a general muster of the military force of the kingdom was ordered by "letters of weapon-schawings," which were followed by an order to the whole body of the lieges, including the men of the Isles, to meet the king at Lauder. A communication at the same time took place between the Irish and Anglo-Irish barons who supported in that island the cause of Perkin;[4] the king himself rode through the country with his usual activity, superintending the equipment of the rude train of artillery, which had to be collected from various forts and castles;[5] Andrew Wood of Largo was despatched into the north with letters to the barons of that district; and all the preparations having been completed, the young monarch placed himself at the head of his army. He was accompanied by Warbeck, who,

[1] Treasurer's Accounts. Sub anno 1494. But without any further date. "Item, passing with lettres in the east and south-landis, for the receiving of great Odonell, x shillings. Item, to Master Alexr Schawes expenses passing from the toun of Air to Edinburgh for the cupboard, and remaining there upon the king's clothing, to the receiving of Odonnell, xx shillings."

[2] Rymer, Fœdera, vol. xii. p. 572.

[3] Treasurer's Accompts, November 6, 1495. He arrived at Stirling, November 20.

[4] Treasurer's Accompts, June 4, 1496. Ibid. June 29.

[5] Ibid. Sept. 1, 1496. Ibid. May 3. Ibid. May 10. "Item, to the man that gydit the king to Drymmyne" (Drummond castle, in Strathern) "that night, viii d. May 10, Item, to the king in Strivelin, to play at the cach. August 8, Item, to the man that castis the brazen chambers to the gun, xxviii sh. Item, Sept. 1, to John Lamb of Leith, for xxxvi gun-chambers, and for nykkis and bandis to ye gunnis, and for iron graith to the brazen gun, and lokkis, finger and boltis to the bombards that were in Leith. Sept. 9, For ane elne, half a quartere, and a nail of double red taffety to the Duke of York's (Perkin Warbeck) banner, for the elne, xviii sh."

adopting the title of the Duke of York, was treated with distinguished honours, and equipped for war with a personal magnificence almost equal to that of the king. At this moment, Roderic de Lalain, with two ships, which bore a force of sixty German men-at-arms, arrived from Flanders, bringing with him, from the Duchess of Burgundy, arms, harness, crossbows, and other necessary military stores; whilst there landed at St Andrews, on a mission from Charles the Eighth, the Lord of Concressault, who had formerly commanded Perkin's body-guard in France.[1] The very selection of so intimate a friend of the counterfeit prince, indicated a secret disposition to favour his cause; and although the French monarch publicly proposed, by his ambassador, that he should be permitted to act as a mediator between Henry and the Scottish king, it is certain that he secretly encouraged the invasion. At the same time, many of the English, chiefly of the Border barons, resorted to Perkin from Berwick and Carlisle; the Nevilles, Dacres, Skeltons, Lovels, and Herons, were in constant communication with him; and it was confidently expected by the young King of Scots, that the disposition in his favour would become general the moment he penetrated into England.[2]

But James, whose rash and overbearing temper often misled his judgment, was little aware of the means which Henry had sagaciously adopted to defeat the threatened invasion. With the Scottish people, who cared little for the pretensions of the house of York, or the cause of the mysterious stranger, the war was unpopular; and in Bothwell, the favourite of James the Third, who had been suffered by his son to remain in Scotland, Henry possessed an active and able partisan. By his means, the king's brother, the Duke of Ross, the Earl of Buchan, and the Bishop of Moray were induced to promise Henry their utmost assistance in defeating the object of the invasion; the young prince even engaged to place himself under the protection of the King of England, the moment his royal brother crossed the Borders; and a plot for the seizure of Warbeck, at night, in his tent, was, at Henry's suggestion, entered into between Buchan, Bothwell, and Wyat, an English envoy, which, probably, only failed from the vigilance of the royal guard whom James had directed to keep watch round the pavilion.

Whilst many of the most powerful Scottish barons thus secretly lent themselves to Henry, and remained with the army only to betray it, others, who had been the friends and counsellors of his father, anxiously laboured to dissuade James from carrying hostilities to extremity; but the glory of restoring an unfortunate prince, the last of a noble race, to his hereditary throne; the recovery of Berwick, which he engaged to place in the hands of the Scottish king; and the sum of one thousand marks, which he promised to advance for the expenses of the war, were motives too powerful to be resisted by the young monarch; and, after a general muster of his army at Ellame Kirk, within a few miles of the English Border, he declared war, and invaded England. At this time Warbeck addressed a public declaration to his subjects, in the name of Richard, duke of York, true inheritor of the crown of England. He branded Henry as a usurper—accused him of the murder of Sir William Stanley, Sir Simon Montfort, and others of the ancient barons and nobility—of having invaded the liberties and franchises of the Church—and of having pillaged the people by heavy aids and unjust taxes. He pledged his word to remove these illegal impositions, to maintain uninjured the rights of the Church, the privileges of the nobles, the charters of the corporations, with the commerce and manufactures of the country; and he concluded by setting a reward of one thousand pounds on Henry's head.

This proclamation was judiciously drawn up, yet it gained no proselytes, and James, who had expected a very

[1] Supra, p. 260.

[2] Letters from Ramsay, lord Bothwell, to Henry the Seventh, first published by Pinkerton, from the originals in the British Museum. Pinkerton's Hist. vol. ii. pp. 438, 443.

different result, was mortified to find that the consequences which had been predicted by his wisest counsellors were speedily realised. So long as Warbeck attempted to assert his pretended rights to the throne by the assistance of the English, whom he claimed as his own subjects, he had some chance of success; but such was still the hatred between the two nations, that the fact of his appearance at the head of a Scottish army at once destroyed all sympathy and affection for his cause. Instead of a general rising of the people, the Scottish monarch found that the English Border barons who had joined him were avoided as traitors and renegades, and the large force of Germans, French, and Flemish volunteers, who marched along with the army, only increased the odium against the impostor, whilst they refused to co-operate cordially with their allies. James, however, held his desolating progress through Northumberland, and incensed at the failure of his scheme, and the disappointment of his hopes, with a cruel and short-sighted policy, indulged his revenge by delivering over the country to indiscriminate plunder. It is said that Warbeck generously and warmly remonstrated against such a mode of making war, declaring that he would rather renounce the crown than gain it at the expense of so much misery: to which James coldly replied, that his cousin of York seemed to him too solicitous for the welfare of a nation which hesitated to acknowledge him either as a king or a subject,—a severe retort, evincing very unequivocally that the ardour of the monarch for the main object of the war had experienced a sudden and effectual check.[1] The approach, however, of an English army, the scarcity of provisions in an exhausted country, and the late season of the year, were more efficacious than the arguments of the pretended prince; and the Scottish king, after an expedition which had been preceded by many boastful and expensive preparations, retreated without hazarding a battle, and regained his own dominions. Here, in the society of his fair mistress, the Lady Drummond, and surrounded by the flatterers and favourites who thronged his gay and dissipated court, he soon forgot his ambitious designs, and appeared disposed to abandon, for the present, all idea of supporting the pretensions of Warbeck to the throne of England.

But the flame of war, once kindled between the two countries, was not so easily extinguished. The Borderers on either side had tasted the sweets of plunder, and the excitation of mutual hostility. An inroad by the Homes, which took place even in the heart of winter, again carried havoc into England; and Henry, whose successes against his domestic enemies had now seated him firmly upon the throne, commanded Lord Dacre, his warden of the west marches, to assemble the whole power of these districts, and to retaliate by an invasion into Scotland. The sagacious monarch, however, soon discovered, by those methods of obtaining secret information, of which he so constantly availed himself, that James's passion for military renown, and his solicitude in the cause, had greatly diminished; and although hostilities recommenced in the summer, and a conflict took place at Dunse, the war evidently languished. The English monarch began to renew his negotiations for peace; and his proposals were repeated for a marriage between the young King of Scots and his daughter the Princess Margaret.

James, however, although disposed to listen to these overtures, was too generous to entertain for a moment Henry's proposal that Perkin should be abandoned, and delivered into his hands. Yet the expenses incurred by his stay in Scotland, where he was maintained with a state and dignity in every way befitting his alleged rank, were necessarily great.[2] His servants and attendants, and those of his wife,

1 Carte, Hist. of England, vol. ii. pp. 848, 849.

2 Treasurer's Books, May 10, 1497, "Item, Giffin to Rolland Robysonn for his Maister (Zorkes) months pensionne, lexii lb."—York here means Perkin Warbeck.

the Lady Catherine Gordon, who took the title of Duchess of York, were all supported by the king; and the limited exchequer of the country could ill bear these heavy drains, in addition to the disbursement of a monarch, whose habits were unusually profuse, and who was frequently obliged to coin his personal ornaments, that he might procure money for the demands of pleasure, or the more serious urgencies of the state.[1] In such circumstances, it seemed to the king the best policy to continue the demonstrations of war for some time, without any intention of pushing it to extremities, whilst, under cover of these hostilities, Warbeck should be suffered quietly to leave Scotland. James accordingly again advanced into England, accompanied by a considerable train of artillery, in which that large piece of ordnance, still preserved in the castle of Edinburgh, and known by the familiar name of Mons Meg, made a conspicuous appearance.[2] Meanwhile, during his absence with the army, preparations were secretly made for the embarkation of Warbeck. A ship, commanded by Robert Barton, a name destined to become afterwards illustrious in the naval history of the country, was ordered to be got ready at Ayr, and thither this mysterious and unfortunate adventurer repaired. He was accompanied by his wife, who continued his faithful companion amid every future reverse of fortune, and attended by a body of thirty horse.[3] In this last scene of his connexion with Scotland, nothing occurred which evinced upon the part of James any change of opinion regarding the reality of his rank and pretensions. He and his beautiful consort preserved their titles as Duke and Duchess of York. The vessel which carried them to the continent was equipped at great expense, commanded by one of the most skilful seamen in the kingdom, and even the minutest circumstances which could affect their accommodation and comfort were not forgotten by the watchful and generous anxiety of the monarch, who had been their protector till the cause seemed hopeless. At last, all being in readiness, the ship weighed anchor on the 6th of July 1497, and Warbeck and his fortunes bade adieu to Scotland for ever.[4]

CHAPTER VI.

JAMES THE FOURTH.

1497—1513.

THE departure of Perkin Warbeck from Scotland was followed, after a short interval, by a truce with England. It was evidently the interest of Henry the Seventh and of James to be at peace. The English monarch was unpopular; every attack by a

[1] Treasurer's Books, July 27, 1497. "Item, ressavit of Sir Thos Tod for iii pund wecht, foure unce and three quarters of an unce of gold in xxxvi linkis of the great chain, coined by the king's command, iiiiᶜxxii unicorns iiiᶜlxix lbs. xvi shillings." Ibid. Feb. 20, 1496. Again, in the Treasurer's Books, Aug. 4, 1497, we find eighteen links struck off the great chain, weighing thirty-five ounces, coined into two hundred unicorns and a half. Sir Thomas Tod was rather a dangerous person to be placed in an office of such trust. See supra, p. 252.

[2] Illustrations, letter U.

[3] Treasurer's Books, July 5, 1497.

[4] Treasurer's Books, July 6, 1497. Illustrations letter V. Note on Perkin Warbeck.

foreign power endangered the stability of his government, encouraging domestic discontent, and strengthening the hands of his enemies: on the side of the Scottish king there were not similar causes of alarm, for he was strong in the affections of his subjects, and beloved by his nobility; but grave and weighty cares engrossed his attention, and these were of a nature which could be best pursued in a time of peace. The state of the revenue, the commerce and domestic manufactures of his kingdom, and the deficiency of his marine, had now begun to occupy an important place in the thoughts of the still youthful sovereign: the disorganised condition of the more northern portions of his dominions demanded also the exertion of his utmost vigilance; so that he listened not unwillingly to Henry's proposals of peace, and to the overture for a matrimonial alliance, which was brought forward by the principal Commissioner of England, Fox, bishop of Durham. The pacific disposition of James appears to have been strengthened by the judicious counsels of Pedro D'Ayala, the Spanish envoy at the court of Henry the Seventh: this able foreigner had received orders from his sovereigns, Ferdinand and Isabella, to visit Scotland as the ambassador from their Catholic majesties; and on his arrival in that country, he soon acquired so strong an influence over this prince, that he did not hesitate to nominate him his chief commissioner for the conducting his negotiations with England. A seven years' truce was accordingly concluded at Ayton on the 31st of September 1497;[1] and in a meeting which took place soon after, between William de Warham, Henry's commissioner, and D'Ayala, who appeared on the part of James, it was agreed that this cessation of hostilities should continue during the lives of the two monarchs, and for a year after the death of the survivor. Having accomplished this object, the Spanish minister and his suite left the Scottish court, to the regret of the king, who testified by rich presents the regard he entertained for them.[2]

This negotiation with England being concluded, James had leisure to turn his attention to his affairs at home; and, although in the depth of winter, with the hardihood which marked his character, he took a progress northward as far as Inverness. It was his object personally to inspect the state of these remote portions of his dominions, that he might be able to legislate for them with greater success than had attended the efforts of his predecessors. The policy which he adopted was, to separate and weaken the clans by arraying them in opposition to each other, to attach to his service by rewards and preferment some of their ablest leaders—to maintain a correspondence with the remotest districts—and gradually to accustom their fierce inhabitants to habits of pacific industry, and a respect for the restraints of the laws. It has been objected to him that his proceedings towards the Highland chiefs were occasionally marked by an unbending rigour, and too slight a regard for justice; but his policy may be vindicated on the ground of necessity, and even of self-defence.

These severe measures, however, were seldom resorted to but in cases of rebellion. To the great body of his nobility, James was uniformly indulgent; the lamentable fate of his father convinced him of the folly of attempting to rule without them; he was persuaded that a feudal monarch at war with his nobles, was deprived of the greatest sources of his strength and dignity; and to enable him to direct their efforts to such objects as he had at heart, he endeavoured to gain their affections. Nor was it difficult to effect this: the course of conduct which his own disposition prompted him to pursue, was the best calculated to render him a favourite with the aristocracy. Under the former reign they seldom saw their prince, but lived in gloomy independence at a distance from court,

[1] Rymer, vol. xii. pp. 673, 678 inclusive.

[2] MS. Accounts of the High Treasurer of Scotland under the 31st of October 1497.

resorting thither only on occasions of state or counsel; and when the parliament was ended, or the emergency had passed away, they returned to their castles full of complaints against a system which made them strangers to their sovereign, and ciphers in the government. Under James all this was changed. Affable in his manners, fond of magnificence, and devoted to pleasure, the king delighted to see himself surrounded by a splendid nobility: he bestowed upon his highest barons those offices in his household which insured a familiar attendance upon his person: his court was a perpetual scene of revelry and amusement, in which the nobles vied with each other in extravagance, and whilst they impoverished themselves, became more dependent from this circumstance upon the sovereign. The seclusion and inferior splendour of their own castles became gradually irksome to them; as their residence was less frequent, the ties which bound their vassals to their service were loosened, whilst the consequence was favourable to the royal authority.

But amid the splendour of his court, and devotion to his pleasures, James pursued other objects which were truly laudable. Of these the most prominent and the most important was his attention to his navy: the enterprises of the Portuguese, and the discoveries of Columbus, had created a sensation at this period throughout every part of Europe, which, in these times, it is perhaps impossible for us to estimate in its full force. Every monarch ambitious of wealth or of glory, became anxious to share in the triumphs of maritime adventure and discovery. Henry the Seventh of England, although in most cases a cautious and penurious prince, had not hesitated to encourage the celebrated expedition of John Cabot, a Venetian merchant, settled at Bristol; and his unwonted spirit was rewarded by the discovery of the continent of North America.[1] A second voyage conducted by his son Sebastian, one of the ablest navigators of the age, had greatly extended the range of our geographical knowledge; and the genius of the Scottish prince, catching fire at the successes of the neighbouring kingdom, became eager to distinguish itself in a similar career of naval enterprise.

But a fleet was wanting to second these aspirings; and to supply this became his principal object. His first care was wisely directed to those nurseries of seamen, his domestic fisheries and his foreign commerce. Deficient in anything deserving the name of a royal navy, Scotland was nevertheless rich in hardy mariners and enterprising merchants. A former parliament of this reign had adverted to the great wealth still lost to the country from the want of a sufficient number of ships, and busses, or boats, to be employed in the fisheries.[2] An enactment was now made that vessels of twenty tons and upwards should be built in all the seaports of the kingdom; whilst the magistrates were directed to compel all stout vagrants who frequented such districts to learn the trade of mariners, and labour for their own living.[3]

Amongst his merchants and private traders, the king found some men of ability and experience. Sir Andrew Wood of Largo, the two Bartons, Sir Alexander Mathison, William Merrimonth of Leith, whose skill in maritime affairs had procured him the title of "King of the Sea," and various other naval adventurers of inferior note, were sought out by James, and treated with peculiar favour and dis-

[1] Mr Biddel in his Life of Sebastian Cabot, a work of great acuteness and research, has endeavoured to shew that the discovery of North America belongs solely to Sebastian and not to John Cabot. From the examination of his proofs and authorities, I have arrived at an opposite conclusion. The reader who is interested in the subject will find it discussed in the Appendix to "A Historical View of the Progress of Discovery in North America."

[2] Acts of the Parliament of Scotland, vol. ii. p. 235. "Anent the greit innumerable riches yat is tint in fault of schippis and buschis."

[3] M'Pherson's Annals of Commerce, vol. ii. pp. 17, 18.

tinction. They were encouraged to extend their voyages, to arm their trading vessels, to purchase foreign ships of war, to import cannon, and to superintend the building of ships of force at home. In these cares the monarch not only took an interest, but studied the subject with his usual enthusiasm, and personally superintended every detail. He conversed with his mariners—rewarded the most skilful and assiduous by presents—visited familiarly at the houses of his principal merchants and sea officers—practised with his artillerymen—often discharging and pointing the guns, and delighted in embarking on short voyages of experiment, in which, under the tuition of Wood or the Bartons, he became acquainted with the practical parts of navigation. The consequences of such conduct were highly favourable to him: he became as popular with his sailors as he was beloved by his nobility; his fame was carried by them to foreign countries; shipwrights, cannon-founders, and foreign artisans of every description flocked to his court from France, Italy, and the Low Countries; and if amongst these were some impostors, whose pretensions imposed upon the royal credulity, there were others by whose skill and genius Scotland rose in the scale of knowledge and importance.

But the attention of James to his navy and his foreign commerce, although conspicuous, was not exclusive; his energy and activity in the administration of justice, in the suppression of crime, and in the regulation of the police of his dominions, were equally remarkable. Under the feudal government as it then existed in Scotland, the obedience paid to the laws, and the consequent increase of industry and security of property, were dependent in a great degree upon the personal character of the sovereign. Indolence and inactivity in the monarch commonly led to disorder and oppression. The stronger nobles oppressed their weaker neighbours; murder and spoliation of every kind were practised by their vassals; whilst the judges, deprived of the countenance and protection of their prince, either did not dare or did not choose to punish the delinquents. Personal vigour in the king was invariably accompanied by a diminution of crime and a respect for the laws; and never was a sovereign more indefatigable than James in visiting with this object every district of his dominions; travelling frequently alone, at night, and in the most inclement seasons, to great distances; surprising the judge when he least expected, by his sudden appearance on the tribunal, and striking terror into the heart of the guilty by the rapidity and certainty of the royal vengeance. Possessed of an athletic frame, which was strengthened by a familiarity with all the warlike exercises of the age, the king thought little of throwing himself on his horse and riding a hundred miles before he drew bridle; and on one occasion it is recorded of him, that he rode unattended from his palace of Stirling in a single day to Elgin, where he permitted himself but a few hours' repose, and then pushed on to the shrine of St Duthoc in Ross.[1]

Whilst the monarch was occupied in these active but pacific cares, an event occurred which, in its consequences, threatened once more to plunge the two countries into war. A party of Scottish youths, some of them highly born, crossed the Tweed at Norham, and trusting to the protection of the truce, visited the castle; but the national antipathy led to a misunderstanding: they were accused of being spies, attacked by orders of the governor, and driven with ignominy and wounds across the river. James's chivalrous sense of honour fired at this outrage, and he despatched a herald to England, demanding inquiry, and denouncing war if it were refused. It was fortunate, however, that the excited passions of this prince were met by quietude and prudence upon the part of Henry; he represented the event in its true colours, as an unpremeditated and accidental attack, for which he felt regret and was ready to afford redress. Fox, the bishop

[1] Lesley's History, Bannatyne edit. p. 76.

of Durham, to whom the castle belonged, made ample submissions; and the king, conciliated by his flattery, and convinced by his arguments of the ruinous impolicy of a war, allowed himself to be appeased. Throughout the whole negotiation, the wisdom and moderation of Henry presented a striking contrast to the foolish and overbearing impetuosity of the Scottish monarch: it was hoped, however, that this headstrong temper would be subdued by his arrival at a maturer age; and in the meantime the English king despatched to the Scottish court his Vice-Admiral Rydon, to obtain from James the final ratification of the truce, which was given at Stirling on the 20th of July 1499.[1]

In the midst of these threatenings of war which were thus happily averted, it is pleasing to mark the efforts of an enlightened policy for the dissemination of learning. By an act of a former parliament, (1496,)[2] it had been made imperative on all barons and freeholders, under a fine of twenty pounds, to send their sons at the age of nine years to the schools, where they were to be competently founded in Latin, and to remain afterwards three years at the schools of "Art and Jury," so as to insure their possessing a knowledge of the laws. The object of this statute was to secure the appointment of learned persons to fill the office of sheriffs, that the poorer classes of the people might not be compelled from the ignorance of such judges to appeal to a higher tribunal. These efforts were seconded by the exertions of an eminent and learned prelate, Elphinston, bishop of Aberdeen, who now completed the building of King's College in that city, for the foundation of which he had procured the Papal bull in 1494. In the devout spirit of the age, its original institutions embraced the maintenance of eight priests and seven singing boys; but it supported also professors of divinity, of the civil and canon law, of medicine and humanity; fourteen students of philosophy and ten bachelors were educated within its walls: nor is it unworthy of record that its first principal was the noted Hector Boece, the correspondent of Erasmus, and a scholar whose classical attainments and brilliant fancy had already procured for him the distinction of professor of philosophy in Montague College at Paris. Scotland now possessed three universities: that of St Andrews, founded in the commencement of the fifteenth century; Glasgow, in the year 1453; and Aberdeen in 1500. Fostered amid the security of peace, the Muses began to raise their heads from the slumber into which they had fallen; and the genius of Dunbar and Douglas emulated in their native language the poetical triumphs of Chaucer and of Gower.[3]

It was about this time that James concluded a defensive alliance with France and Denmark; and Henry the Seventh, who began to be alarmed lest the monarch should be flattered by Lewis the Twelfth into a still more intimate intercourse, renewed his proposals for a marriage with his daughter. The wise policy of a union between the Scottish king and the Princess Margaret had suggested itself to the councillors of both countries some years before; but the extreme youth of the intended bride, and an indisposition upon the part of James to interrupt by more solemn ties the love which he bore to his mistress, Margaret Drummond, the daughter of Lord Drummond, had for a while put an end to all negotiations on the subject. His continued attachment, however, the birth of a daughter, and, perhaps, the dread of female influence over the impetuous character of the king, began to alarm his nobility, and James felt disposed to listen to their remonstrances. He accordingly despatched his commissioners, the Bishop of Glasgow, the Earl of Bothwell, his high admiral, and Andrew Forman, apostolical prothonotary, to meet with

[1] Rymer, Fœdera, vol. xii. p. 728.

[2] Acts of the Parliament of Scotland, vol. ii. p. 238.

[3] Memoirs of William Dunbar, p. 45, prefixed to Mr Laing's beautiful edition of that poet.

those of Henry; and, after some interval of debate and negotiation, the marriage treaty was concluded and signed in the palace of Richmond, on the 24th of January 1502.[1] It was stipulated that, as the princess had not yet completed her twelfth year, her father should not be obliged to send her to Scotland before the 1st of September 1503; whilst James engaged to espouse her within fifteen days after her arrival.[2] The queen was immediately to be put in possession of all the lands, castles, and manors, whose revenues constituted the jointure of the queens-dowager of Scotland; and it was stipulated that their annual amount should not be under the sum of two thousand pounds sterling. She was to receive during the lifetime of the king her husband, a pension of five hundred marks, equivalent to one thousand pounds of Scottish money; and in the event of James's death, was to be permitted to reside at her pleasure, either within or without the limits of Scotland. On the part of Henry, her dowry, considering his great wealth, was not munificent. It was fixed at thirty thousand nobles, or ten thousand pounds sterling, to be paid by instalments within three years after the marriage.[3] Besides her Scottish servants, the princess was to be at liberty to keep twenty-four English domestics, men and women; and her household was to be maintained by her husband in a state conformable to her high rank as the daughter and consort of a king. It was lastly agreed that, should the queen die without issue before the three years had expired within which her dowry was to be paid, the balance should not be demanded; but in the event of her death, leaving issue, the whole sum was to be exacted.[4] Such was this celebrated treaty, in which the advantages were almost exclusively on the side of England; for Henry retained Berwick, and James was contented with a portion smaller than that which had been promised to the Prince of Scotland by Edward the Fourth, when in 1474 this monarch invited him to marry his daughter Cæcilia.[5] But there seems no ground for the insinuation of a modern historian,[6] that the deliberations of the Scottish commissioners had been swayed by the gold of England; it is more probable they avoided a too rigid scrutiny of the treaty, from an anxiety that an alliance, which promised to be in every way beneficial to the country and to the sovereign, should be carried into effect with as much speed as possible.

The tender age of the young princess, however, still prevented her immediate union with the king, and in the interval a domestic tragedy occurred at court, of which the causes are as dark as the event was deplorable. It has been already noticed that James, whose better qualities were tarnished by an indiscriminate devotion to his pleasures, had, amid other temporary amours, selected as his mistress Lady Margaret Drummond, the daughter of a noble house, which had already given a queen to Scotland. At first little anxiety was felt at such a connexion; the nobles, in the plurality of the royal favourites, imagined there ex-

[1] Rymer, Fœdera, vol. xii. pp. 776, 777, 787.

[2] Rymer, Fœdera, vol. xii. p. 765, gives the dispensation for the marriage. It is dated 5th August 1500.

[3] At a period as remote as 1281, when silver was far more valuable than in 1502, Alexander the Third gave with his daughter to the King of Norway the value of 9333 pounds of standard silver, one-half in money, for the other half an annuity in lands, valued at ten years' purchase, whilst the stipulated jointure was to be ten per cent. of her portion. Henry the Seventh, on the other hand, when it might be thought more necessary for him to conciliate the affection of his son-in-law, gives only 5714 pounds, silver of the same standard, and stipulates for his daughter a jointure of twenty per cent., besides an allowance for her privy purse.—M'Pherson's Annals of Commerce, vol. iv., in Appendix, Chronological Table of Prices. The well-known economy, however, of the English monarch, and his shrewdness in all money transactions, preclude us from drawing any general conclusions from this remarkabl fact, as to the comparative wealth of Scotland in the thirteenth and England in the sixteenth century.

[4] Rymer, Fœdera, vol. xii. pp. 787, 792, inclusive.

[5] The portion of Cæcilia was 20,000 marks, equal to £13,333 English money of that age. —Rymer, Fœdera, vol. xi. pp. 825, 836.

[6] Pinkerton, vol. ii. p. 41.

isted a safeguard for the royal honour, and looked with confidence to James's fulfilling his engagements with England; but his infatuation seemed to increase in proportion as the period for the completion of the marriage approached. His coffers were exhausted to keep up the splendid establishment of his mistress: large sums of money, rich dresses, grants of land to her relations and needy domestics, all contributed to drain the revenue, whilst her influence must have been alarming. The treaty was yet unconfirmed by the oath of the king, and his wisest councillors began to dread the consequences. It was in this state of things that, when residing at Drummond castle, Lady Margaret, along with her sisters, Euphemia and Sybilla, were suddenly seized with an illness which attacked them immediately after a repast, and soon after died in great torture, their last struggles exhibiting, it was said, the symptoms of poison. The bodies of the fair sufferers were instantly carried to Dunblane, and there buried with a precipitancy which increased the suspicion; yet no steps were taken to arrive at the truth by disinterment or examination. It is possible that a slight misunderstanding between James and Henry concerning the withdrawing the title of King of France, which the Scottish monarch had inadvertently permitted to be given to his intended father-in-law,[1] may have had the effect of exciting the hopes of the Drummonds, and reviving the alarm of the nobles, who adopted this horrid means of removing the subject of their fears; or we may, perhaps, look for a solution of the mystery in the jealousy of a rival house, which shared in the munificence and disputed for the affections of the king.[2]

From the sad reflections which must have clouded his mind on this occasion, the monarch suddenly turned, with his characteristic versatility and energy, to the cares of government.

Sometime previous to this (but the precise date is uncertain) he provided the King of Denmark with vessels and troops for the reduction of the Norwegians, who had risen against his authority. The Scottish auxiliaries, in conjunction with the Danish force and a squadron furnished by the elector of Brandenburg, were commanded by Christiern, prince royal of Denmark, and the insurgent Norwegians for the time completely reduced, whilst their chief, Hermold, was taken prisoner and executed. James's fleet now returned to Scotland; the artillery and ammunition which formed their freight were carried to the castle of Edinburgh, and a mission of Snowdon, herald to the Danish king, to whom James sent a present of a coat of gold, evinced the friendly alliance which existed between the two countries.[3]

All was now ready for the approaching nuptials of the king. The Pope had given his dispensation, and confirmed the treaties; James had renewed his oath for their observation, and the youthful bride, under the care of the Earl of Surrey, and surrounded by a splendid retinue, set out on her journey to Scotland. Besides Surrey and his train, the Earl of Northumberland, Lord Dacre, the Archbishop of York, the Bishop of Durham, and other civil and ecclesiastical grandees, accompanied the princess, who was now in her fourteenth year; and at Lamberton kirk, in Lammermuir, she was met by the Archbishop of Glasgow, the Earl of Morton, and a train of Scottish barons. The royal tents, which had been sent forward, were now pitched for her reception; and according to the terms of the treaty, the Earl of Northumberland delivered her with great solemnity to the commissioners of the king. The cavalcade then proceeded towards Dalkeith. When she reached Newbattle, she was met by

[1] Rymer, Fœdera, vol. xiii. pp. 43, 44.

[2] The Lady Janet Kennedy, daughter of John, lord Kennedy, had born a son to the king, whom James created Earl of Moray.

[3] This expedition of the Scottish ships to Denmark, in 1502-3, is not to be found in Pinkerton. Its occurrence is established beyond doubt by the MS. accounts of the Lord High Treasurer, and by the Historians of Denmark.—Lacombe, Histoire de Dannemarc, vol. i. p. 257.

the prince himself, with all the ardour of a youthful lover, eager to do honour to the lady of his heart. The interview is described by an eye-witness, and presents a curious picture of the manners of the times. Darting, says he, like a hawk on its quarry, James eagerly entered her chamber, and found her playing at cards: he then, after an embrace, entertained her by his performance upon the clarichord and the lute: on taking leave, he sprung upon a beautiful courser without putting his foot in the stirrup, and pushing the animal to the top of his speed, left his train far behind.[1] At the next meeting the princess exhibited her musical skill, whilst the king listened on bended knee, and highly commended the performance. When she left Dalkeith to proceed to the capital, James met her, mounted on a bay horse, trapped with gold; he and the nobles in his train riding at full gallop, and suddenly checking, and throwing their steeds on their haunches, to exhibit the firmness of their seat. A singular chivalrous exhibition now took place: a knight appeared on horseback, attended by a beautiful lady, holding his bridle and carrying his hunting horn. He was assaulted by Sir Patrick Hamilton, who seized the damsel, and a mimic conflict took place, which concluded by the king throwing down his gage and calling "peace." On arriving at the suburbs, the princess descended from her litter, and, mounted upon a pillion behind the royal bridegroom, rode through the streets of the city to the palace, amid the acclamations of the people.[2] On the 8th of August the ceremony of the marriage was performed by the Archbishop of St Andrews in the abbey church of Holyrood; and the festivities which followed were still more splendid than those which had preceded it. Feasting, masques, morris dances, and dramatic entertainments, occupied successive nights of revelry. Amid the tournaments which were exhibited, the king appeared in the character of the Savage Knight, surrounded by wild men disguised in goats' skins; and by his uncommon skill in these martial exercises, carried off the prize from all who competed with him. Besides the English nobles, many foreigners of distinction attended the wedding, amongst whom, one of the most illustrious was Anthony D'Arsie de la Bastie, who fought in the barriers with Lord Hamilton, after they had tilted with grinding spears. Hamilton was nearly related to the king; and so pleased was James with his magnificent retinue and noble appearance in honour of his marriage, that he created him Earl of Arran on the third day after the ceremony.[3] De la Bastie also was loaded with gifts; the Countess of Surrey, the Archbishop of York;[4] the officers of the queen's household, down to her meanest domestic, experienced the liberality of the monarch; and the revels broke up, amidst enthusiastic aspirations for his happiness, and commendations of his unexampled generosity and gallantry.

Scarce had these scenes of public rejoicing concluded, when a rebellion broke out in the north which demanded the immediate attention of the king. The measures pursued by James in the Highlands and the Isles had been hitherto followed with complete success. He had visited these remote districts in person; their fierce chiefs had submitted to his power, and in 1495 he had returned to his capital, leading captive the only two delinquents who offered any serious resistance—Mackenzie of Kintail, and Macintosh, heir to the Captain of clan Chattan. From this period till the year 1499, in the autumn of which the monarch held his court in South Cantire, all appears to have remained in tranquillity; but after his return (from what causes cannot be discovered) a complete change took place in the policy of the king, and the wise and moderate measures already adopted were succeeded by proceedings so severe as to border on injus-

[1] Leland, Collectanea, vol. iv. p. 284.
[2] Ibid. vol. iv. pp. 286, 287.
[3] Mag. Sig. xiii. 639. Aug. 11, 1503.
[4] Accounts of the Lord High Treasurer, sub anno 1503. August 9, 11, 12, 13.

tice. The charters which had been granted during the last six years to the vassals of the Isles, were summarily revoked. Archibald, earl of Argyle, was installed in the office of lieutenant, with the ample and invidious power of leasing out the entire lordship of the Isles.[1] The ancient proprietors and their vassals were violently expelled from their hereditary property; whilst Argyle and other royal favourites appear to have been enriched by new grants of their estates and lordships. We are not to wonder that such harsh proceedings were loudly reprobated: the inhabitants saw, with indignation, their rightful masters exposed to insult and indigence, and at last broke into open rebellion. Donald Dhu, grandson of John, lord of the Isles, had been shut up for forty years, a solitary captive in the castle of Inchconnal. His mother was a daughter of the first Earl of Argyle; and although there is no doubt that both he and his father were illegitimate,[2] the affection of the Islemen overlooked the blot in his scutcheon, and fondly turned to him as the true heir of Ross and Innisgail. To reinstate him in his right, and place him upon the throne of the Isles, was the object of the present rebellion.[3] A party, led by the MacIans of Glencoe, broke into his dungeon, liberated him from his captivity, and carried him in safety to the castle of Torquil Macleod in the Lewis; whilst measures were concerted throughout the wide extent of the Isles for the establishment of their independence, and the destruction of the regal power. Although James received early intelligence of the meditated insurrection, and laboured by every method to dissolve the union amongst its confederated chiefs, it now burst forth with destructive fury. Badenoch was wasted with all the ferocity of Highland warfare,—Inverness given to the flames; and so widely and rapidly did the contagion of independence spread throughout the Isles, that it demanded the most prompt and decisive measures to arrest it. But James's power, though shook, was too deeply rooted to be thus destroyed. The whole array of the kingdom was called forth. The Earls of Argyle, Huntly, Crawford, and Marshall, with Lord Lovat and other barons, were appointed to lead an army against the Islanders; the castles and strongholds in the hands of the king were fortified and garrisoned; letters were addressed to the various chiefs, encouraging the loyal by the rewards which awaited them, whilst over the heads of the wavering or disaffected were suspended the terrors of forfeiture and execution. But this was not all: a parliament assembled at Edinburgh on the 11th of March 1503,[4] and in addition to the above vigorous resolutions, the civilisation of the Highlands, an object which had engrossed the attention of many a successive council, was again taken into consideration. To accomplish this end, those districts, whose inhabitants had hitherto, from their inaccessible position, defied the restraints of the law, were divided into new sheriffdoms, and placed under the jurisdiction of permanent judges. The preamble of the act complained in strong terms of the gross abuse of justice in the northern and western divisions of the realm,—more especially the Isles; it described the people as having become altogether savage, and provided that the new sheriffs for the north Isles should hold their courts in Inverness and Dingwall, and those for the south, in the Tarbet of Lochkilkerran. The inhabitants of Dowart, Glendowart, and the lordship of Lorn, who for a long period had violently resisted the jurisdiction of the justice-ayres or ambulatory legal courts, were commanded to come to the justice-ayre at Perth, and the districts of Mawmor and Lochaber, which had insisted on the same exemption, were brought under the jurisdiction of the justice-ayre

[1] The island of Isla, and the lands of North and South Cantire, were alone excepted.

[2] Acts of the Parliament of Scotland, vol. ii. p. 247.

[3] Ibid.

[4] Acts of the Parliament of Scotland, vol. ii. pp. 239, 249.

of Inverness. The divisions of Bute, Arran, Knapdale, Cantire, and the larger Cumbrae, were to hold their courts at Ayr, whilst the deplorable condition of Argyle was marked by the words of the act, "that the court is to be held wherever it is found that each Highlander and Lowlander may come without danger, and ask justice," —a problem of no easy discovery. The districts of Ross and Caithness, now separated from the sheriffdom of Inverness, were placed under their own judges; and it was directed that the inhabitants of these three great divisions of the kingdom should as usual attend the justice-ayre of Inverness.

It appears that, for the purpose of quieting the Lowland districts, the king had adopted a system, not uncommon in those times, of engaging the most powerful of the resident nobles and gentry in a covenant or "band," which, under severe penalties, obliged them to maintain order throughout the country. By such means the blessings of security and good government had been enjoyed by Dumfriesshire, a district hitherto much disturbed; and the Earl of Bothwell now earnestly recommended a similar method to be pursued in the reduction of Teviotdale.

In the same parliament a court of daily council was appointed, the judges of which were to be selected by the king, and to hold their sittings in Edinburgh. The object of this new institution was to relieve the lords of the "Session" of the confusion and pressure of business which had arisen from the great accumulation of cases, and to afford immediate redress to those poorer litigants whose matters had been delayed from year to year. The ferocity of feudal manners and the gradual introduction of legal subtleties were strikingly blended in another law passed at this time, by which it was directed that no remissions or pardons were hereafter to contain a general clause for all offences, as it was found that by this form much abuse of justice had been introduced. A ferocious ruffian, for example, who to the crime of murder had, as was generally the case, added many inferior offences, in purchasing his remission, was in the practice of stating only the minor delinquency, and afterwards pleading that the murder was included under the pardon. It was now made imperative that, before any remission was granted, the highest offence should be ascertained, and minutely described in the special clause; it being permitted to the offender to plead his remission for all crimes of a minor description. The usual interdiction was repeated against all export of money forth of the realm; forty shillings being fixed as the maximum which any person might carry out of the country. The collection of the royal customs was more strictly insured: it was enjoined that the magistrates of all burghs should be annually changed; that no Scottish merchants should carry on a litigation beyond seas, in any court but that of the Conservator, who was to be assisted by a council of six of the most able merchants, and was commanded to visit Scotland once every year. The burghs of the realm were amply secured in the possession of their ancient privileges, and warning was given to their commissaries or headmen, that when any tax was to be proposed, or contribution granted by the parliament, they should be careful to attend and give their advice in that matter as one of the three estates of the realm,—a provision demonstrating the obsoleteness of some of the former laws upon this subject, and proving that an attendance upon the great council of the kingdom was still considered a grievance by the more laborious classes of the community. With regard to the higher landed proprietors, they were strongly enjoined to take seisin, and enter upon the superiority of their lands, so that the vassals who held under them might not be injured by their neglect of this important legal solemnity; whilst every judge, who upon a precept from the Chancery had given seisin to any baron, was directed to keep an attested register of such proceeding in a court-

book, to be lodged in the Exchequer.

It appears by a provision of the same parliament that "the green wood of Scotland" was then utterly destroyed, a remarkable change from the picture formerly given in this work of the extensive forests which once covered the face of the country. To remedy this, the fine for the felling or burning of growing timber was raised to five pounds, whilst it was ordered that every lord or laird in those districts where there were no great woods or forests, should plant at the least one acre, and attempt to introduce a further improvement, by enclosing a park for deer, whilst he attended also to his warrens, orchards, hedges, and dovecots. All park-breakers and trespassers within the enclosures of a landholder were to be fined in the sum of ten pounds, and if the delinquency should be committed by a child, he was to be delivered by his parents to the judge, who was enjoined to administer corporal correction in proportion to its enormity. In the quaint language of the act, "the bairn is to be lashed, scourged, and dung according to the fault." All vassals, although it was a time of peace, were commanded to have their arms and harness in good order, to be inspected at the annual military musters or weapon-schawings. By an act passed in the year 1457 it had been recommended to the king, lords, and prelates to let their lands in "few farm;" but this injunction, which when followed was highly beneficial to the country, had fallen so much into disuse that its legality was disputed; it loosened the strict ties of the feudal system by permitting the farmers and labourers to exchange their military services for the payment of a land rent; and although it promoted agricultural improvement, it was probably opposed by a large body of the barons, who were jealous of any infringement upon their privileges. The benefits of the system, however, were now once more recognised. It was declared lawful for the sovereign, his prelates, nobles, and landholders, to "set their lands in few," under any condition which they might judge expedient, taking care, however, that by such leases the annual income of their estates should not be diminished to the prejudice of their successors. No creditor was to be permitted to seize for debt, or to order the sale of any instruments of agriculture; an equalisation of weights and measures was commanded to be observed throughout the realm; it was ordained that the most remote districts of the country, including the Isles, should be amenable to the same laws as the rest of the kingdom; severe regulations were passed for an examination into the proper qualifications of notaries; and an attempt was made to reduce the heavy expenses of litigation, and for the suppression of strong and idle paupers. The parliament concluded by introducing a law which materially affected its own constitution. All barons or freeholders, whose annual revenue was below the sum of one hundred marks of the new extent established in 1424, were permitted to absent themselves from the meeting of the three estates, provided they sent their procurators to answer for them, whilst all whose income was above that sum were, under the usual fine, to be compelled to attend.[1]

Such were the most remarkable provisions of this important meeting of the three estates, but in these times the difficulty did not so much consist in the making good laws as in carrying them into execution. This was particularly experienced in the case of the Isles, where the rebellion still raged with so much violence that it was found necessary to despatch a small naval squadron under Sir Andrew Wood and Robert Barton, two of the most skilful officers in the country, to co-operate with the land army, which was commanded by the Earl of Arran, lieutenant-general of the king.[2] James, who at present meditated an expedition in person against the broken clans of Eskdale and Teviotdale, could not accompany his fleet further than

[1] Acts of the Parliament of Scotland, vol. ii. pp. 240-254.

[2] Treasurer's Accounts, 1504. March 14.

Dumbarton.[1] The facility with which Wood and Barton reduced the strong insular castle of Carneburgh, which had attempted to stand a siege, and compelled the insurgent chiefs to abandon their attempts at resistance, convinced him that in his attention to his navy he had not too highly estimated its importance. Aware also of the uncommon energy with which the monarch directed his military and naval resources, and witnessing the rapidity with which delinquents were overtaken by the royal vengeance, Macleod, MacIan, and others of the most powerful of the Island lords, adopted the wiser policy of supporting the crown, being rewarded for their fidelity by sharing in the forfeited estates of the rebels.[2]

A temporary tranquillity having been thus established in the north, the king proceeded, at the head of a force which overawed all opposition, into Eskdale. Information was sent to the English monarch, requesting him to co-operate in this attempt to reduce the warlike Borderers, whose habits of plunder were prejudicial to the security of either country; and Lord Dacre, the warden, received his master's instructions to meet the Scottish king and afford him every assistance. He repaired accordingly to James's head-quarters at Lochmaben, and proceedings against the freebooters of these districts were commenced with the utmost vigour and severity. None, however, knew better than James how to combine amusement with the weightier cares of government. He was attended in his progress by his huntsmen, falconers, morris dancers, and all the motley and various minions of his pleasures, as well as by his judges and ministers of the law; and whilst troops of the unfortunate marauders were seized and brought in irons to the encampment, executions and entertainments appear to have succeeded each other with extraordinary rapidity.[3] The severity of the monarch to all who had disturbed the peace of the country was as remarkable as his kindness and affability to the lowest of his subjects who respected the laws; and many of the ferocious Borderers, to whom the love of plunder had become a second nature, but who promised themselves immunity because they robbed within the English pale, lamented on the scaffold the folly of such anticipation. The Armstrongs, however, appear at this time to have made their peace with the crown,[4] whilst the Jardines, and probably other powerful septs, purchased a freedom from minute inquiry by an active co-operation with the measures of the sovereign.

On his return from the "Raid of Eskdale" to Stirling, James scarcely permitted himself a month's repose, which was occupied in attention to the state of his fleet, and in negotiation by mutual messengers with the Lord Aubigny in France, when he judged it necessary to make a progress across the Mounth as far as Forres, visiting Scone, Forfar, Aberdeen, and Elgin, inquiring into the state of this part of his dominions, scrutinising the conduct of his sheriffs and magistrates, and declaring his readiness to redress every grievance, were it sustained by the poorest tenant or labourer in his dominions.[5]

Soon after his return he received the unpleasant intelligence that disturbances had again broken out in the Isles, which would require immediate interference. In 1504 great efforts had been made, but with little permanent success, and the progress of the insurrection became alarming. Macvicar, an envoy from Macleod, who was then in strict alliance with the king, remained three weeks at court: MacIan also had sent his emissaries to explain the perilous condition of the country; and, with his characteristic energy, the king, as soon as the state of the year permitted, despatched the

[1] Treasurer's Accounts, sub anno 1504. April 18, 30; May 6, 9, 10, and 11.
[2] Ibid. 1504. May 7, 11.
[3] Ibid. August 9, 1504; also under August 17, 19, 20, 21, 23, 31. For the particulars see the entries on this expedition.
[4] Treasurer's Accounts, 1504, September 2.
[5] Ibid. 1504. sub mense October. See also September 26.

Earl of Huntly to invade the Isles by the north, whilst himself in person led an army against them from the south; and John Barton proceeded with a fleet to reduce and overawe these savage districts.[1] The terror of the royal name; the generosity with which James rewarded his adherents; and the vigorous measures which he adopted against the disaffected, produced a speedy and extensive effect in dissolving the confederacy. Maclean of Dowart, Macquarrie of Ulva, with Macneill of Barra, and Mackinnon, offered their submission, and were received into favour; and the succeeding year (1506) witnessed the utter destruction of Torquil Macleod, the great head of the rebellion, whose castle of Stornoway in Lewis was stormed by Huntly; whilst Donald Dhu, the captive upon whose aged head his vassals had made this desperate attempt to place the crown of the Isles, escaping the gripe of the conqueror, fled to Ireland, where he soon after died.[2]

It was now proper for the monarch to look to his foreign relations, to seize the interval of peace at home, that he might strengthen his ties with the continent. France, the ally of Scotland, had been too constantly occupied with hostilities in Italy, to take an interest in preventing the negotiations for the marriage of the king to the Princess of England. The conquest of the Milanese by the arms of Lewis the Twelfth, in which Robert Stuart, lord of Aubigny, had distinguished himself, and the events which succeeded in the partition of the kingdom of Naples between the Kings of France and Castile, concentrated the attention of both monarchs upon Italy, and rendered their intercourse with Britain less frequent. But when the quarrel regarding the division of the kingdom of Naples broke out between Ferdinand and Lewis, in 1503, and the defeats of Seminara and Cerignola had established the superiority of the Spanish arms in Italy, negotiations between Lewis and the Scottish court appear to have been renewed. The causes of this were obvious. Henry the Seventh of England esteemed none of his foreign alliances so highly as that with Spain: his eldest son, Arthur, had espoused Catharine the Infanta; and on the death of her husband, a dispensation had been procured from the Pope for her marriage with his brother Henry, now Prince of Wales. It was evident to Lewis that his rupture with Spain was not unlikely to bring on a quarrel with England, and it became therefore of consequence to renew his negotiations with James the Fourth.

These, however, were not the only foreign cares which attracted the attention of the king. In the autumn of the year 1505, Charles d'Egmont, duke of Gueldres, a prince of spirit and ability, who with difficulty maintained his dominions against the unjust attacks of the Emperor Maximilian, despatched his secretary on an embassy to the Scottish monarch, requesting his interference and support.[3] Nor was this denied him. The duke had listened to the advice of the Scottish prince when he requested him to withdraw his intended aid from the unfortunate Edmund de la Pole, earl of Suffolk, the representative of the house of York, who had sought a refuge at his court; and James now anxiously exerted himself in his behalf. He treated his envoy with distinction; despatched an embassy to the duke, which, in passing through France, secured the assistance of Lewis the Twelfth, and so effectually remonstrated with Henry the Seventh and the Emperor Maximilian, that all active designs against the duchy of Gueldres were for the present abandoned.[4]

[1] Treasurer's Accounts, 1505, September 6.

[2] Nor whilst the Bartons, by their naval skill secured the integrity of the kingdom at home, did the monarch neglect their interests abroad. Some of their ships, which had been cruising against the English in 1497, had been seized and plundered on the coast of Brittany, and a remonstrance was addressed to Lewis the Twelfth by Panter, the royal secretary, which complained of the injustice, and insisted on redress. Epistolæ Regum Scotorum, vol. i. pp. 17, 18.

[3] Accounts of the High Treasurer, 1505, September 6.

[4] Ibid. 1506, July 6 and 8. Epistolæ Regum Scotorum, vol. i. pp. 21, 30, 34.

In the midst of these transactions, and whilst the presence of Huntly, Barton, and the Scottish fleet was still necessary in the Isles, the more pacific parts of the country were filled with joy by the birth of a prince, which took place at Holyrood on the 10th of February 1506. None could testify greater satisfaction at this event than the monarch himself.[1] He instantly despatched messengers to carry the news to the Kings of England, France, Spain, and Portugal; and on the 23d of February the baptism was held with magnificence in the chapel of Holyrood. The boy was named James, after his father; but the sanguine hopes of the kingdom were, within a year, clouded by his premature death.

At this conjuncture an embassy from Pope Julius the Second arrived at the court of Scotland. Alarmed at the increasing power of the French in Italy, this pontiff had united his strength with that of the Emperor Maximilian and the Venetians, to check the arms of Lewis, whilst he now attempted to induce the Scottish monarch to desert his ancient ally. The endeavour, however, proved fruitless. James, indeed, reverently received the Papal ambassador, gratefully accepted the consecrated hat and sword which he presented, and loaded him and his suite with presents; he communicated also the intelligence which he had lately received from the King of Denmark, that his ally, the Czar of Muscovy, had intimated a desire to be received into the bosom of the Latin Church; but he detected the political finesse of the warlike Julius, and remained steady to his alliance with France. Nay, scarcely had the ambassador left his court, when he proposed to send Lewis a body of four thousand auxiliaries to serve in his Italian wars,—an offer which the rapid successes of that monarch enabled him to decline.

Turning his attention from the continent to his affairs at home, the king recognised with satisfaction the effects of his exertions in enforcing, by severity and indefatigable personal superintendence, a universal respect for the laws. The husbandman laboured his lands in security, the merchant traversed the country with his goods, the foreign trader visited the markets of the various burghs and seaports fearless of plunder or interruption; and so convinced was the monarch of the success of his efforts, that, with a whimsical enthusiasm, he determined to put it to a singular test. Setting out on horseback, unaccompanied even by a groom, with nothing but his riding cloak cast about him, his hunting knife at his belt, and six-and-twenty pounds for his travelling expenses in his purse, he rode, in a single day, from Stirling to Perth, across the Mounth, and through Aberdeen to Elgin; whence, after a few hours' repose, he pushed on to the shrine of St Duthoc in Ross, where he heard mass. In this feat of bold and solitary activity the unknown monarch met not a moment's interruption; and after having boasted, with an excusable pride, of the tranquillity to which he had reduced his dominions, he returned in a splendid progress to his palace at Stirling, accompanied by the principal nobles and gentry of the districts through which he passed.

Soon after, he despatched the Archbishop of St Andrews and the Earl of Arran to the court of France, for the purpose of procuring certain privileges regarding the mercantile intercourse between the two countries, and to fix upon the line of policy which appeared best for their mutual interest regarding the complicated affairs of Italy. In that country an important change had taken place. The brilliant successes of the Venetians against the arms of Maximilian had alarmed the jealousy of Lewis, and led to an inactivity on his part, which terminated in a total rupture; whilst the peace concluded between the Emperor and James's ally and relative, the Duke of Gueldres, formed, as is well known, the basis of the league of Cambrai, which united, against the single republic of Venice, the apparently irre-

[1] To the lady of the queen's chamber, who brought him the first intelligence, he presented a hundred gold pieces and a cup of silver.

sistible forces of the Pope, the Emperor, and the Kings of France and Spain. For the purpose, no doubt, of inducing the king to become a party to this powerful coalition, Lewis now sent the veteran Aubigny to the Scottish court, with the President of Toulouse;[1] and the monarch, who loved the ambassador for his extraction, and venerated his celebrity in arms, received him with distinction. Tournaments were held in honour of his arrival; he was placed by the king in the highest seat at his own table, appealed to as supreme judge in the lists, and addressed by the title of Father of War. This eminent person had visited Scotland twenty-five years before, as ambassador from Charles the Eighth to James the Third; and it was under his auspices that the league between the two countries was then solemnly renewed. He now returned to the land which contained the ashes of his ancestors, full of years and of honour; but it was only to mingle his dust with theirs, for he sickened almost immediately after his arrival, and died at Corstorphine.[2]

Another object of Lewis in this embassy was to consult with James regarding the marriage of his eldest daughter, to whom Charles, king of Castile, then only eight years old, had been proposed as a husband. Her hand was also sought by Francis of Valois, dauphin of Vienne; and the French monarch declared that he could not decide on so important a question without the advice of his allies, of whom he considered Scotland both the oldest and the most friendly. To this James replied, that since his brother of France had honoured him by asking his advice, he would give it frankly as his opinion, that the princess ought to marry within her own realm of France, and connect herself rather with him who was to succeed to the crown than with any foreign potentate; this latter being a union out of which some colourable or pretended claim might afterwards be raised against the integrity and independence of his kingdom. The advice was satisfactory, for it coincided with the course which Lewis had already determined to follow.

Happy in the affections of his subjects, and gratified by observing an evident increase in the wealth and industry of the kingdom, the king found leisure to relax from the severer cares of government, and to gratify the inhabitants of the capital by one of those exhibitions of which he was fond even to weakness. A magnificent tournament was held at Edinburgh, in which the monarch enacted the part of the Wild Knight, attended by a troop of ferocious companions disguised as savages; Sir Anthony d'Arsie and many of the French nobles who had formed the suite of Aubigny, were still at court, and bore their part in the pageant of Arthur and his Peers of the Round Table, whilst the prince attracted admiration by the uncommon skill which he exhibited, and the rich gifts he bestowed; but the profuse repetition of such expensive entertainments soon reduced him to great difficulties.

The constant negotiation and intimacy between France and the Scottish court appear at this time to have roused the jealousy of Henry the Seventh. It required, indeed, no great acuteness in this cautious prince to anticipate the probable dissolution of the league of Cambrai, in which event he perhaps anticipated a revival of the ancient enmity of France, and the possible hostility of James. His suspicion was indicated by the seizure of the Earl of Arran and his brother, Sir Patrick Hamilton, who had passed through England to the court of Lewis, without the knowledge of Henry, and were now on their return. In Kent they were met by Vaughan, an emissary of England; and, on their refusal to take an oath which bound them to the observation of peace with that

[1] "Vicesima prima Martii antedicti, Galliæ oratores, Dnus videlicet D'Aubeny et alter, supplicationum regiæ domus Magister, octoginta equis egregie comitati, urbuem ingressi sut, Scotiam petituri."—Narratio Hist. de gestis Henrici VII. per Bernardum Andream Tholosatem. Cotton. MSS. Julius A. iii.

[2] Lesley's History, Bannatyne edit. p. 77.

country, they were detained and committed to custody. To explain and justify his conduct, Henry despatched Dr West on a mission to the king, who resented the imprisonment of his subjects, and declared that they had only fulfilled their duty in refusing the oath. He declined a proposal made for a personal interview with his royal father-in-law, insisted on the liberation of Arran, and on these conditions agreed to delay, for the present, any renewal of the league with France. The imprisoned nobles, however, were not immediately dismissed; and, probably in consequence of the delay, James considered himself relieved from his promise.

The death of the English king occurred not long after, an event which was unquestionably unfortunate for Scotland. His caution, command of temper, and earnest desire of peace, were excellent checks to the inconsiderate impetuosity of his son-in-law; nor, if we except, perhaps, the last-mentioned circumstance of the detention of Arran, can he be accused of a single act of injustice towards that kingdom, so long the enemy of England. The accession of Henry the Eighth, on the other hand, although not productive of any immediate ill effects, drew after it, within no very distant period, a train of events injurious in their progress, and most calamitous in their issue. At first, indeed, all looked propitious and peaceful. The Scottish king sent his ambassador to congratulate his brother-in-law of England on his accession to the throne;[1] and the youthful monarch, in the plenitude of his joy on this occasion, professed the most anxious wishes for the continuance of that amity between the kingdoms which had been so sedulously cultivated by his father. The existing treaties were confirmed, and the two sovereigns interchanged their oaths for their observance;[2] nor, although so nearly allied to Spain by his marriage, did Henry seem at first to share in the jealousy of France which was entertained by that power; on the contrary, even after the battle of Agnadillo had extinguished the hopes of the Venetians, he did not hesitate to conclude a treaty of alliance with Lewis the Twelfth. All these fair prospects of peace, however, were soon destined to be overclouded by the pride and impetuosity of a temper which hurried him into unjust and unprofitable wars.

In the meantime Scotland, under the energetic government of James, continued to increase in wealth and consequence: her navy, that great arm of national strength, had become not only respectable, but powerful: no method of encouragement had been neglected by the king; and the success of his efforts was shewn by the fact, that one of the largest ships of war then known in the world was constructed and launched within his dominions. This vessel, which was named the *Great Michael*, appears to have been many years in building, and the king personally superintended the work with much perseverance and enthusiasm.[3] The family of the Bartons, which for two generations had been prolific of naval commanders, were intrusted by this monarch with the principal authority in all maritime and commercial matters: they purchased vessels for him on the continent, they invited into his kingdom the most skilful foreign shipwrights; they sold some of their own ships to the king, and vindicated the honour of their flag whenever it was insulted, with a readiness and severity of retaliation which inspired respect and terror. The Hollanders had at-

1 Rotuli Scotiæ, vol. ii. p. 572.

2 Rymer, Fœdera, vol. xiii. pp. 261, 262.

3 Her length was two hundred and forty feet, her breadth fifty-six to the water's edge, but only thirty-six within; her sides, which were ten feet in thickness, were proof against shot. In these days ships carried guns only on the upper deck, and the *Great Michael*, notwithstanding these gigantic dimensions, could boast of no more than thirty-five—sixteen on each side, two in the stern, and one in the bow. She was provided, however, with three hundred small artillery, under the names of myaud, culverins, and double-dogs; whilst her complement was three hundred seamen, besides officers, a hundred and twenty gunners, and a thousand soldiers. M'Pherson's Annals of Commerce, vol. ii. p. 42. The minuteness of these details, which are extracted from authentic documents, may be pardoned upon a subject so important as the navy.

tacked a small fleet of Scottish merchantmen,—plundering the cargoes, murdering the crews, and throwing the bodies into the sea. The affair was probably piratical, for it was followed by no diplomatic remonstrance; but an exemplary vengeance followed the offence. Andrew Barton was instantly despatched with a squadron, which captured many of the pirates; and, in the cruel spirit of the times, the admiral commanded the hogsheads which were stowed in the hold of his vessels to be filled with the heads of the prisoners, and sent as a present to his royal master.[1]

So far back as 1476, in consequence of the Bartons having been plundered by a Portuguese squadron, letters of reprisal were granted them, under the protection of which, there seems reason to believe, that they more than indemnified themselves for their losses. The Portuguese, whose navy and commerce were at this time the richest and most powerful in the world, retaliated; and, in 1507, the *Lion*, commanded by John Barton, was seized at Campvere, in Zealand, and its commander thrown into prison. The sons of this officer, however, having procured from James a renewal of their letters of reprisal, fitted out a squadron, which intercepted and captured at various times many richly-laden carracks returning from the Portuguese settlements in India and Africa; and the unwonted apparition of blackamoors at the Scottish court, and sable empresses presiding over the royal tournaments, is to be traced to the spirit and success of the Scottish privateers.

The consequence of this earnest attention to his fleet, was the securing an unusual degree of tranquillity at home. The Islanders were kept down by a few ships of war more effectually than by an army; and James acquired at the same time an increasing authority amongst his continental allies. By his navy he had been able to give assistance on more than one occasion to his relative the King of Denmark; and while the navy of England was still in its infancy, that of the sister country had risen, under the judicious care of the monarch, to a respectable rank, although far inferior to the armaments of the leading navigators of Europe, the Spaniards, the Portuguese, and the Venetians.

It was at this period that the memorable invention of printing—that art which, perhaps, more than any other human discovery, has changed the condition and the destinies of the world—found its way into Scotland, under the auspices of Walter Chepman, a servant of the king's household.[2] Two years before, the skill and ingenuity of Chepman appear to have attracted the notice of his royal master; and as James was a friend to letters, and an enthusiast in every new invention, we may believe that he could not view this astonishing art with indifference. We know that he purchased books from the typographer; and that a royal patent to exercise his mystery was granted to the artist; the original of which still exists amongst our national records. The art, as is well known, had been imported into England by Caxton as early as the year 1474. Yet more than thirty years elapsed before it penetrated into Scotland,—a tardiness to be partly accounted for by the strong principle of concealment and monopoly.

Amidst all these useful cares, the character of the monarch, which could no longer plead for its excuse the levity or thoughtlessness of youth, exhibited many inconsistencies. He loved his youthful queen with much apparent tenderness, yet he was unable to renounce that indiscriminate admiration of beauty, and devotion to pleasure, which, in defiance of public decency and moral restraint, sought its gratification equally amongst the highest and lowest ranks of society. He loved his people, and would, in the ardent generosity of his disposition, have suffered any personal privation to have saved the meanest of his subjects

[1] Lesley's History, Bannatyne edit. p. 74.

[2] He printed in the year 1508 a small volume of pamphlets, and soon after, the "Breviary of Aberdeen."

from distress; but his thoughtless prodigality to every species of empiric, to jesters, dancers, and the lowest retainers about his court, with his devotion to gambling, impoverished his exchequer, and drove him in his distresses to expedients which his better reason lamented and abandoned. Large sums of money also were expended in the idle pursuits of alchemy, and the equally vain and expensive endeavours for the discovery of gold mines in Scotland: often, too, in the midst of his labours, his pleasures, and his fantastic projects, the monarch was suddenly seized with a fit of ascetic penitence, at which times he would shut himself up for many days with his confessor, resolve on an expedition to Jerusalem, or take a solitary pilgrimage on foot to some favourite shrine, where he wept over his sins, and made resolutions of amendment, which, on his return to the world, were instantly forgotten. Yet all this contradiction and thoughtlessness of mind was accompanied by so much kindliness, accessibility, and warm and generous feeling, that the people forgot or pardoned it in a prince, who, on every occasion, shewed himself their friend.

It was now two years since the accession of Henry the Eighth to the crown; and the aspect of affairs in England began to be alarming. The youthful ambition of the English king had become dazzled with the idle vision of the conquest of France; he already pondered on the dangerous project of imitating the career of Edward the Third and Henry the Fifth; whilst such was the affection of James for his ally, that any enterprise for the subjugation of that kingdom was almost certain to draw after it a declaration of war against the aggressor. Nor were there wanting artful and insidious friends, who, to accomplish their own ends, endeavoured to direct the arms of Henry against Lewis. Pope Julius the Second and Ferdinand of Spain having gained the object they had in view by the league of Cambrai, had seceded from that coalition, and were now anxious to check the successes of the French in Italy. The pontiff, with the violence which belonged to his character, left no measure unattempted to raise a powerful opposition against a monarch whose arms, under Gaston de Foix and the Chevalier Bayard, were everywhere triumphant; and well aware that an invasion of France by Henry must operate as an immediate diversion, he exhausted all his policy to effect it: he at the same time succeeded in detaching the emperor and the Swiss from the league; and the result of these efforts was a coalition as formidable in every respect as that which had been arrayed so lately against the Venetians. Julius, who scrupled not to command his army in person, Ferdinand of Spain, Henry the Eighth, and the Swiss republics, determined to employ their whole strength in the expulsion of the French from the Italian states; and Lewis, aware of the ruin which might follow any attempt to divide the forces of his kingdom, found himself under the necessity of recalling his troops, and abandoning the possessions which had cost him so many battles.

These transactions were not seen by James without emotion. Since the commencement of his reign, his alliance with France had been cordial and sincere. A lucrative commercial intercourse, and the most friendly ties between the sovereigns and the nobility of the two countries, had produced a mutual warmth of national attachment; the armies of France had repeatedly been commanded by Scotsmen; and, throughout the long course of her history, whenever Scotland had been menaced or attacked by England, she had calculated without disappointment upon the assistance of her ally. As to the wisdom of this policy upon the part of her sovereigns, it would now be idle to inquire; it being too apparent that, except where her independence as a nation was threatened, that kingdom had everything to lose and nothing to gain by a war with the sister country. But these were not the days in which the folly of a war of territorial conquest was recognised by

European monarchs; and the gallantry of the Scottish prince disposed him to enter with readiness into the quarrel of Lewis. We find him accordingly engaged in the most friendly correspondence with this sovereign, requesting permission, owing to the failure of the harvest, to import grain from France, and renewing his determination to maintain in the strictest manner the ties of amity and support.

At this crisis an event happened which contributed in no small degree to fan the gathering flame of animosity against England. Protected by their letters of reprisal, and preserving, as it would appear, a hereditary animosity against the Portuguese, the Bartons had fitted out some privateers, which scoured the Western Ocean, took many prizes, and detained and searched the English merchantmen under the pretence that they had Portuguese goods on board. It is well known that at this period, and even so late as the days of Drake and Cavendish, the line between piracy and legitimate warfare was not precisely defined, and there is reason to suspect that the Scottish merchants having found the vindication of their own wrongs and the nation's honour a profitable speculation, were disposed to push their retaliation to an extent so far beyond the individual losses they had suffered, that their hostilities became almost piratical. So, at least, it appeared to the English: and it is said that the Earl of Surrey, on hearing of some late excesses of the privateers, declared that "the narrow seas should not be so infested whilst he had an estate that could furnish a ship, or a son who was able to command it." He accordingly fitted out two men-of-war, which he intrusted to his sons, Lord Thomas Howard and Sir Edward Howard, afterwards Lord High-admiral; and this officer having put to sea, had the fortune to fall in with Andrew Barton, in the Downs, as he was returning from a cruise on the coast of Portugal. The engagement which followed was obstinately contested: Barton commanded his own ship, the *Lion*; his other vessel was only an armed pinnace: but both fought with determined valour till the Scottish admiral was desperately wounded; it is said that even then this bold and experienced seaman continued to encourage his men with his whistle,[1] till receiving a cannon shot in the body, it dropped from his hand, and he fell dead upon the deck. His ships were then boarded, and carried into the Thames; the crews, after a short imprisonment, being dismissed, but the vessels detained as lawful prizes. It was not to be expected that James should tamely brook this loss sustained by his navy, and the insult offered to his flag in a season of peace. Barton was a personal favourite, and one of his ablest officers; whilst the *Lion*, the vessel which had been taken, was only inferior in size to the *Great Harry*, at that time the largest ship of war which belonged to England. Rothesay herald was accordingly despatched on the instant, with a remonstrance and a demand for redress; but the king had now no longer to negotiate with the cautious and pacific Henry the Seventh, and his impetuous successor returned no gentler answer than that the fate of pirates ought never to be a matter of dispute among princes.

It happened unfortunately that at this moment another cause of irritation existed: Sir Robert Ker, an officer of James's household, master of his artillery, and warden of the middle marches, having excited the animosity of the Borderers by what they deemed an excessive rigour, was attacked and slain by three Englishmen named Lilburn, Starhead, and Heron.[2] This happened in the time of Henry the Seventh, by whom Lilburn was delivered to the Scots, whilst Starhead and Heron made their escape; but such

[1] Lesley, Bannatyne edition, pp. 82, 83. Pinkerton, ii. 69, 70. A gold whistle was, in England, the emblem of the office of High-admiral. Kent's Illustrious Seamen, vol. i. p. 519.

[2] The name as given by Buchanan (book xiii. c. 26) is Starhead. Starhedus. Pinkerton (vol. ii. p. 71) has Sarked; but he gives no authority for the change.

was the anxiety of the English king to banish every subject of complaint, that he arrested Heron, the brother of the murderer, and sent him in fetters to Scotland. After some years Lilburn died in prison, whilst Starhead and his accomplice stole forth from their concealment; and trusting that all would be forgotten under the accession of a new monarch, began to walk more openly abroad. But Andrew Ker, the son of Sir Robert, was not thus to be cheated of his revenge: two of his vassals sought out Starhead's residence during the night, although it was ninety miles from the Border, and, breaking into the house, murdered him in cold blood; after which they sent his head to their master, who exposed it, with all the ferocity of feudal exultation, in the most conspicuous part of the capital,—a proceeding which appears to have been unchecked by James, whilst its summary and violent nature could hardly fail to excite the indignation of Henry. There were other sources of animosity in the assistance which the English monarch had afforded to the Duchess of Savoy against the Duke of Gueldres, the relative and ally of his brother-in-law, in the audacity with which his cruisers had attacked and plundered a French vessel which ran in for protection to an anchorage off the coast of Ayr, and the manifest injustice with which he refused to deliver to his sister, the Queen of Scotland, a valuable legacy of jewels which had been left her by her father's will.

Such being the state of affairs between the two countries, an envoy appeared at the Scottish court with letters from the Pope, whilst nearly about the same time arrived the ambassadors of England, France, and Spain. Henry, flattered by the adulation of Julius, who greeted him with the title of Head of the Italian League, had now openly declared war against France; and anxious to be safe on the side of Scotland, he condescended to express his regret, and to offer satisfaction for any violations of the peace. But James detected the object of this tardy proposal, and refused to accede to it. To the message of the King of France he listened with affectionate deference, deprecated the injustice of the league which had been formed against him, and spoke with indignation of the conduct of England, regretting only the schism between Lewis and the See of Rome, which he declared himself anxious by every means to remove. Nor were these mere words of good-will: he despatched his uncle, the Duke of Albany, as ambassador to the emperor, to entreat him to act as a mediator between the Pope and the King of France, whilst the Bishop of Moray proceeded on the same errand to that country,[1] and afterwards endeavoured to instil pacific feelings into the College of Cardinals, and the Marquis of Mantua.

To the proposals of the ambassador of Ferdinand, who laboured to engage him in the Papal league against Lewis, it was answered by the king, that his only desire was to maintain the peace of Christendom; and so earnest were his endeavours upon this subject, that he advised the summoning of a general council for the purpose of deliberating upon the likeliest methods of carrying his wishes into effect. To secure the co-operation of Denmark, Sir Andrew Brownhill was deputed to that court, and letters which strongly recommended the healing of all divisions, and the duty of forgiveness, were addressed to the warlike Julius. It was too late, however: hostilities between France and the Papal confederates had begun; and James, aware that his own kingdom would soon be involved in war, made every effort to meet the emergency with vigour. His levies were conducted on a great scale; and we learn from the contemporary letter of the English envoy then in Scotland, that the country rung with the din of preparation: armed musters were held in every part of the kingdom, not excepting the Isles, now an integral portion of the state: ships were launched —forests felled to complete those on the stocks—Borthwick, the master gunner, was employed in casting can-

[1] Epistolæ Reg. Scot. vol. i. pp. 126-128.

non; Urnebrig, a German, in the manufacture of gunpowder: the *Great Michael* was victualled and cleared out for sea: the castles in the interior dismantled of their guns, that they might be used in the fleet or the army: and the ablest sea officers and mariners collected in the various seaports.[1] In the midst of these preparations the king visited every quarter in person—mingled with his sailors and artisans, and took so constant an interest in everything connected with his fleet, that it began to be rumoured he meant to command it in person. Yet whilst such was the hostile activity exhibited throughout the country, negotiations with England were continued, and both monarchs made mutual professions of their desire to maintain peace; Henry in all probability with insincerity, and James certainly only to gain time. It was at this time that the Scottish queen gave birth to a prince in the palace of Linlithgow, on the 10th of April 1512; who afterwards succeeded to the throne by the title of James the Fifth.[2]

Early in the year 1512, Lord Dacre and Dr West arrived as ambassadors from England, and were received with a studied courtesy, which seemed only intended to blind them to the real designs of Scotland. Their object was to prevail on the king to renew his oath regarding the peace with England; to prevent the sailing of the fleet to the assistance of the French; and to offer, upon the part of their master, his oath for the observation of an inviolable amity with his brother.[3] But the efforts of the English diplomatists were successfully counteracted by the abilities of the French ambassador, De la Motte: they departed, with splendid presents indeed, for the king delighted in shewing his generosity even to his enemies, but without any satisfactory answer; and James, instead of listening to Henry, renewed the league with France, consenting to the insertion of a clause which, in a spirit of foolish and romantic devotion, bound himself and his subjects to that kingdom by stricter ties than before.[4] About the same time an abortive attempt by the Scots to make themselves masters of Berwick, and an attack of a fleet of English merchantmen by De la Motte, who sunk three, and carried seven in triumph into Leith, must be considered equivalent to a declaration of war. Barton, too, Falconer, Mathison, and other veteran sea officers, received orders to be on the look-out for English ships; and, aware of the importance of a diversion on the side of Ireland, a league was entered into with O'Donnel, prince of Connal, who visited the Scottish court, and took the oath of homage to James: Duncan Campbell, one of the Highland chiefs, engaged at the same time to procure some Irish vessels to join the royal fleet—which it was now reckoned would amount to sixteen ships of war, besides smaller craft; a formidable armament for that period, and likely, when united to the squadron of the King of France, to prove, if skilfully commanded, an overmatch for the navy of England. Yet James's preparations, with his other sources of profusion, had so completely impoverished his exchequer, that it became a question whether he would be able to maintain the force which he had fitted out. In a private message sent to Lord Dacre, the Treasurer of Scotland appears to have stated that a present from Henry of five thousand angels, and the payment of the disputed legacy, which with much injustice was still withheld, might produce a revolution in his policy;[5] and it is certain that, on the arrival of letters from Lewis, instigating Scotland to declare war, the reply of the monarch pleaded the impossibility of obeying the injunction unless a large annuity was remitted by France. The Borderers, however, of both countries had already com-

1 Treasurer's Accounts, 1511, 1512.
2 Lesley, p. 84.
3 Ibid. p. 85.
4 MS. Leagues, Harleian, 1244, pp. 115, 116.
5 Letter, Lord Dacre to the Bishop of Durham, 17th of August. Caligula, b. iii. 3, quoted by Pinkerton, vol. ii. p. 78. Also Letter, John Ainslow to the Bishop of Durham, 11th of September. Caligula, b. vi. 22.

menced hostilities; and Robert Barton, acting under his letters of reprisal, and scouring the narrow seas, came into Leith, after a successful cruise, with thirteen English prizes.[1]

In their mutual professions of a desire for peace, both governments appear to have been insincere: Henry had determined to signalise his arms by the reconquest of Guienne, and only wished to gain time for the embarkation of his army; James, shutting his eyes to the real interests of his kingdom, allowed a devotion to Lewis, and a too violent resentment for the insult offered to his fleet, to direct his policy. To concentrate his strength, however, required delay. Repeated messages passed between the two courts; the Scottish prince, by his ambassador, Lord Drummond, even proceeded so far as to offer to Henry a gratuitous remission of all the late injuries sustained by his subjects, provided that monarch would abandon the confederacy against France;[2] and although the proposal was rejected, Dr West again proceeded on an embassy to Scotland, of which his original letters have left us some interesting particulars. He found the king engrossed in warlike preparations, yet visited for the moment by one of his temporary fits of penance, in which he projected an expedition to Jerusalem, animated equally by a romantic desire of signalising his prowess against the infidels, and a hope of expiating the guilt which he had incurred in appearing in arms against his father. He had been shut up for a week in the church of the Friars Observants at Stirling; but the effect of this religious retirement seems to have been the reverse of pacific. He expressed himself with the utmost bitterness against the late warlike pontiff, Julius the Second, then recently deceased; declaring that, had he lived, he would have supported a council even of three bishops against him. He had resolved to send Forman, the Bishop of Moray, and the chief author of the war against England, as ambassador to Leo the Tenth, the new Pope; and it was reported that Lewis had secured the services of this able and crafty prelate by the promise of a cardinal's hat. To Henry's offers of redress for the infractions of the truce, provided the Scottish monarch would remain inactive during the campaign against France, he replied that he would not proceed to open hostilities against England without previously sending a declaration by a herald; so that if the king fulfilled his intention of passing into France with his army, ample time should be allowed him to return for the defence of his kingdom. It was unequivocally intimated that peace with France was the only condition upon which an amicable correspondence could be maintained between the two kingdoms; and amongst minor subjects of complaint, Henry's continued refusal to send his sister's jewels was exposed in a spirited letter from that princess, which was delivered by Dr West on his return.[3]

La Motte soon after again arrived from France with a small squadron laden with provisions for the Scottish fleet, besides warlike stores and rich presents to the king and his principal nobles. About the same time the King of Denmark sent several ships into Scotland freighted with arms, harness, and ammunition; and O'Donnel, the Irish potentate, visited the court in person to renew his offers of assistance against England. But an artful proceeding of Anne of Brittany, the consort of Lewis, had, it was believed, a greater effect in accelerating the war than either the intrigues of the Bishop of Moray or the negotiations of La Motte. This princess, who understood the romantic weakness of the Scottish king, addressed to him an epistle conceived in a strain of high-flown and amorous complaint. She described herself as an unhappy damsel, surrounded by danger, claimed his protection from the attacks of a trea-

[1] Lesley, Bannatyne edit. p. 85.

[2] Rymer, Fœdera, vol. xiii. pp. 347, 348.

[3] West to Henry, 1st April. MS. Letter, Brit. Mus. Calig. b. vi. 56. This letter is now printed in "Illustrations of Scottish History," (pp. 76-89,) presented by Moses Steven, Esq., to the Maitland Club.

cherous monarch, and sent him, not only a present of fourteen thousand crowns, but the still more tender gift of a ring from her own finger—a token to her faithful knight upon whose ready aid she implicitly relied. She concluded her letter by imploring him to advance, were it but three steps, into English ground for the sake of his mistress, as she had already suffered much misconstruction in defence of his honour, and in excusing the delay of his expedition.[1] To another monarch than James an appeal like this would have been only excusable at a court pageant or a tournament; but such was his high-wrought sense of honour, that there can be little doubt it accelerated his warlike movements; and when, soon after its delivery, intelligence arrived of the passage of the English army to France, and the opening of the war by Henry the Eighth in person, he at once considered all negotiation as at an end, issued his writs for a general muster of the whole force of his dominions, and ordered every ship in his service to put to sea.

The fleet which assembled evinces that the efforts of the king to create a navy had been eminently successful. It consisted of thirteen great ships, all of them, in the naval phraseology of the times, with three tops, besides ten smaller vessels, and a ship of Lynne lately captured. In addition to these there was the *Great Michael*, a thirty-oared galley which belonged to her, and two ships, the *Margaret* and the *James*, which, although damaged in a late gale, were now repaired and ready to put to sea. Aboard this fleet was embarked a force of three thousand men, under the command of the Earl of Arran, a nobleman of limited experience in the art of war; one of the principal captains of the fleet was Gordon of Letterfury,[2] a son of the Earl of Huntly; but unfortunately Arran's higher feudal rank and his title of Generalissimo included an authority over the fleet as well as the army, and this circumstance drew after it disastrous consequences. Why James should not have appointed some of his veteran sea officers—Barton, Wood, or Falconer—to conduct a navy of which he was so proud to its destination in France, is not easily discoverable, but it probably arose out of some hereditary feudal right which entailed upon rank a command due only to skill, and for which it soon appeared that the possessor was utterly incompetent.

Instead of obeying the orders which he had received from the king, who, with the object of encouraging his seamen, embarked in the *Great Michael*, and remained on board for some time, Arran conducted the fleet to Carrickfergus, in Ireland, landed his troops, and stormed the town with much barbarity, sparing neither age nor sex.[3] The reckless brutality with which the city was given up to the unlicensed fury of the soldiery would at all times have been blamable, but at this moment it was committed during a time of peace, and against the express promise of the king; yet such was the folly or simplicity of the perpetrator, that, with the spirit of a successful freebooter, he did not hesitate to put his ships about and return to Ayr with his plunder. Incensed to the utmost by such conduct, and dreading that his delay might totally frustrate the object of the expedition, James despatched Sir Andrew Wood to supersede Arran in the command; but misfortune still pursued his measures, and before this experienced seaman could reach the coast the fleet had again sailed. Over the future history of an armament which was the boast of the sovereign, and whose equipment had cost the country an immense sum for those times, there rests a deep obscurity. That it reached France is certain, and it is equally clear that only a few ships ever returned to Scotland. Of its exploits nothing has been recorded—a strong presumptive proof that Arran's future conduct in no way redeemed the folly of his commencement. The war, indeed, between Henry and Lewis was

[1] Lindsay, p. 171. Pinkerton, vol. ii. p. 87.
[2] Lesley, p. 87.
[3] Pinkerton's Scottish Poems, vol. i. p. 150.

so soon concluded, that little time was given for naval enterprise, and the solitary engagement by which it was distinguished (the battle of Spurs) appears to have been fought before the Scottish forces could join the French army. With regard to the final fate of the squadron, the probability seems to be that, after the defeat at Flodden, part, including the *Great Michael*, were purchased by the French government; part arrived in a shattered and disabled state in Scotland, whilst others which had been fitted out by merchant adventurers, and were only commissioned by the government, pursued their private courses, and are lost sight of in the public transactions of the times. But we must turn from these unsatisfying conjectures to the important and still more disastrous events which were passing in Scotland.

Although the war was condemned by the wisest heads amongst his council, and the people, with the exception of the Borderers, whose trade was plunder, deprecated the interruption of their pacific labours, so great was the popularity of the king, that from one end of the country to the other his summons for the muster of his army was devotedly obeyed. The Lowland counties collected in great strength, and from the Highlands and the remotest Isles the hardy inhabitants hastened under their several chiefs to join the royal banner. The Earl of Argyle, MacIan of Ardnamurchan, Maclean of Dowart, and Sir Duncan Campbell of Glenurcha, with many other barons, led their clansmen and vassals to support the quarrel of their sovereign, and within a short period James saw himself at the head of an army, which at the lowest computation was a hundred thousand strong.

On the same day in which his fleet had sailed, a herald was despatched to France, who found the English monarch in his camp before Terouen, and delivered a letter, of which the tone was calculated to incense a milder monarch than Henry. It dwelt with some exaggeration upon the repeated injuries and insults which James had received from his brother-in-law. It accused him of refusing a safe-conduct to his ambassador, (a proceeding worthy only of an infidel power;) it upbraided him with a want of common justice and affection in withholding from his sister, the Queen of Scotland, the jewels and the legacy which had been left her by her father;[1] it asserted that the conduct of England, in a late meeting of the commissioners of the two countries on the Borders, had been deficient in honour and good faith; that Heron, the murderer of a Scottish baron, who was dear to the king, was protected in that country; that Scottish subjects in time of peace had been carried off in fetters across the Border; that Andrew Barton had been slaughtered, and his ships unjustly captured by Henry's admiral; whilst that prince not only refused all redress, but shewed the contempt with which he treated the demand by declaring war against James's relative, the Duke of Gueldres, and now invading the dominions of his friend and ally, the King of France. Wherefore, it concluded, "We require you to desist from further hostilities against this most Christian prince, certifying your highness that in case of refusal we shall hold ourselves bound to assist him by force of arms, and to compel you to abandon the pursuit of so unjust a war."[2]

On perusing this letter, Henry broke out into an expression of ungovernable rage, and demanded of the Scottish envoy whether he would carry a verbal answer to his master. "Sir," said the Lion herald, "I am his natural subject, and what he commands me to say that must I boldly utter; but it is contrary to my allegiance to report the commands of others. May it please your highness, therefore, to send an answer in writing—albeit the matter requires deeds rather than words—since it is the king my master's desire that you should straightway

[1] Ellis's Letters, first series, vol. i. p. 64.—Queen Margaret to Henry the Eighth.

[2] These are not the exact words, but a paraphrase of the conclusion of the letter which exists in the British Museum. Caligula, b. vi. 49, 50. It has been printed by Holinshed, p. 135.

return home." "That shall I do," replied Henry, "at mine own pleasure, and not at your sovereign's bidding," adding many injurious reflections upon the broken faith and treachery of the Scottish king; to which the herald replied, as he had been instructed, by a denunciation of war. It was thought proper, however, that a graver answer should be sent to James's remonstrance, and a letter was forthwith drawn up which in violence exceeded it; but as the herald was detained on his return in Flanders, and did not reach Scotland till after the fatal result of Flodden, it was never delivered to the king.[1]

The English monarch boasted, on being informed of James's resolution, that he had left the task of defending his dominions to a noble person who knew well how to execute it with fidelity, and he now addressed his orders to the Earl of Surrey, enjoining him with all expedition to summon the array of the northern counties, and to hold himself in readiness to resist the invasion. It was, indeed, high time to accelerate his levies, for Home, the Lord-chamberlain, at the head of a force of eight thousand men, had already burst across the English Border, and after laying waste the country, was returning home with his booty. A long interval of peace, however, had been followed, as usual, by a decay of military skill amongst the Scots. The chamberlain neglecting his discipline, forgot to push on his pickets, but marching in a confused mass, embarrassed by the cattle which he drove before him, and thoughtless of an enemy, was surprised and defeated with great slaughter at a pass called the Broomhouse, by Sir William Bulmer. The action was, as usual, decided by the English archers, who, concealing themselves in the tall furze with which the place abounded, struck down the Scottish companies by an unexpected discharge of their arrows.[2] This being often repeated, the confusion of their ranks became irrecoverable, and the English horse breaking in upon them gained an easy victory. Five hundred were slain upon the spot, and their leader compelled to fly for his life, leaving his banner on the field, and his brother, Sir George Home, with four hundred men prisoners in the hands of the English. The remainder, consisting of Borderers more solicitous for the preservation of their booty than their honour, dispersed upon the first alarm, and the whole affair was far from creditable to the Scots. So much was the king incensed and mortified by the result of this action, that his mind, already resolved on war, became impatient to wipe out the stain inflicted on the national honour, and he determined instantly to lead his army in person against England.

This was a fatal resolve, and appeared full of rashness and danger to his wisest councillors, who did not scruple to advise him to protract hostilities. The queen earnestly besought him to spare her the unnatural spectacle of seeing her husband arrayed in mortal contest against her brother; and when open remonstrance produced no effect, other methods were employed to work upon the superstition which formed so marked a feature in the royal mind. At Linlithgow, a few days before he set out for his army, whilst attending vespers in the church of St Michael, adjacent to his palace, a venerable stranger of a stately appearance entered the aisle where the king knelt; his head was uncovered, his hair, parted over his forehead, flowed down his shoulders, his robe was blue, tied round his loins with a linen girdle, and there was an air of majesty about him, which inspired the beholders with awe. Nor was this feel-

[1] "We cannot greatly marvel," says Henry to James, "considering the auncient accustumable manners of your progenitors whiche never kept longer faithe and promise than pleased them. . . . And if the example of the King of Navarre being exclused from his realme for the assistance given to the French King cannot restrain you from this unnatural dealing, we suppose ye shall have the assistance of the said French King as the King of Navarre hath nowe, who is a king without a realme."—Holinshed, p. 139.

[2] Holinshed, edit. 1808, p. 471. Hall, p. 556.

ing decreased when the unknown visitant walked up to the king, and leaning over the reading-desk where he knelt, thus addressed him: "Sir, I am sent to warn thee not to proceed in thy present undertaking—for if thou dost, it shall not fare well either with thyself or those who go with thee. Further, it hath been enjoined me to bid thee shun the familiar society and counsels of women, lest they occasion thy disgrace and destruction." The boldness of these words, which were pronounced audibly, seemed to excite the indignation neither of the king nor those around him. All were struck with superstitious dread, whilst the figure, using neither salutation nor reverence, retreated and vanished amongst the crowd. Whither he went, or how he disappeared, no one, when the first feelings of astonishment had subsided, could tell; and although the strictest inquiry was made, all remained a mystery. Sir David Lindsay and Sir James Inglis, who belonged to the household of the young prince, stood close beside the king when the stranger appeared, and it was from Lindsay that Buchanan received the story.[1] The most probable conjecture seems to be, that it was a stratagem of the queen, of which it is likely the monarch had some suspicion, for it produced no change in his purpose, and the denunciation of the danger of female influence was disregarded.

On arriving at headquarters, James was flattered with the evidence he had before him of the affectionate loyalty of his subjects. The war was unpopular with the nobles, yet such was the strength with which the Lowland counties had mustered, and the readiness with which the remotest districts had sent their vassals, that he saw himself at the head of a noble army, admirably equipped, and furnished with a train of artillery superior to that which had been brought into the field by any former monarch of Scotland. Leaving his capital, and apparently without having formed any definite plan of operations, the monarch entered England on the 22d of August; encamping that night on the banks of the river Till, a tributary stream to the Tweed.[2] Here he seems to have remained inactive for two days; and on the 24th, with the view of encouraging his army, he passed an act, that the heirs of all who fell in the present campaign should not be subject to the common feudal fines, but should be free from the burdens of "ward, relief or marriage," without regard to age.[3] The proclamation is dated at Twiselhaugh, and from this place he moved down the side of the Tweed, and invested the castle of Norham, which surrendered after a siege of a week. He then proceeded up the Tweed to Wark, of which he made himself master with equal ease; and advancing for a few miles, delayed some precious days before the towers of Etal and Ford—enterprises unworthy of his arms, and more befitting the raid of a Border freebooter, than the efforts of a royal army. At Ford, which was stormed and razed,[3] Lady Heron, a beautiful and artful woman, the wife of Sir William Heron, who was still a prisoner in Scotland, became James's captive; and the king, ever the slave of beauty, is said to have resigned himself to her influence, which she employed to retard his military operations. Time was thus given for the English army to assemble. Had Douglas or Randolph commanded the host, they would have scoured and laid waste the whole of the north of England within the period that the monarch had already wasted; but James's military experience did not go beyond the accomplishments of a tournament; and although aware that his army was encamped in a barren country, where they must soon become distressed, he idled away his days till the opportunity was past.

Whilst such was the course pursued by the king, the Earl of Surrey, con-

[1] Buchanan, xiii. 31. Pinkerton, vol. ii. p. 96.

[2] Lord Herbert's Life of Henry the Eighth, Kennet, vol. ii. p. 18. Hall says the army amounted to a hundred thousand men.

[3] Acts of the Parliament of Scotland, vol. ii. p. 278.

[4] Weber's Flodden Field, pp. 186, 187.

centrating the strength of the northern counties, soon raised an army of twenty-six thousand men; and marching through Durham, received there the sacred banner of St Cuthbert. He was soon after joined by Lord Dacre, Sir William Bulmer, Sir Marmaduke Constable, and other northern barons; and on proceeding to Alnwick, was met by his son, Lord Thomas Howard, who on the death of his brother, Sir Edward, had succeeded him in the office of Lord High-admiral of England, with a reinforcement of five thousand men.[1] On advancing with this united force, Surrey despatched Rouge Croix herald to carry his challenge to the King of Scots, which was couched in the usual stately terms of feudal defiance. It reproached him with having broken his faith and league, which had been solemnly pledged to the King of England, in thus invading his dominions,—and offered him battle on the succeeding Friday, if he would be content to remain so long in England and accept it. Lord Thomas Howard added a message informing the king that, as high-admiral, and one who had borne a personal share in the action against Andrew Barton, he was now ready to justify the death of that pirate, for which purpose he would lead the vanguard, where his enemies, from whom he expected as little mercy as he meant to grant them, would be sure to find him. To this challenge James instantly replied that "he desired nothing more earnestly than the encounter, and would abide the battle on the day appointed." As to the accusation of broken honour, which had been brought against him, he desired his herald to carry a broad denial of the statement. "Our bond and promise," he observed, "was to remain true to our royal brother, so long as he maintained his faith with us. This he was the first to break; we have desired redress, and have been denied it; we have warned him of our intended hostility,—a courtesy which he has refused to us; and this is our just quarrel, which, with the grace of God, we shall defend." These mutual messages passed on the 4th of September; and on the day appointed, Surrey advanced against the enemy. By this time, however, the distress for provisions, the incessant rains, and the obstinacy of the king in wasting upon his pleasures, and his observation of the punctilios of chivalry, the hours which might have been spent in active warfare, had created dissatisfaction in the soldiers, many of whom deserted with the booty they had already collected, so that in a short time the army was much diminished in numbers. To accept the challenge of his adversary, and permit him to appoint a day for the encounter, was contrary to the advice of his best councillors; and he might have recollected that, in circumstances almost similar, two great masters in war, Douglas and Randolph, had treated a parallel proposal of Edward the Third with a sarcastic refusal. He had the sagacity, however, to change his first encampment for a stronger position on the hill of Flodden, one of the last and lowest eminences which detach themselves from the range of the Cheviots; a ground skilfully chosen, inaccessible on both flanks, and defended in front by the river Till, a deep sluggish stream, which wound between the armies.

On advancing and reconnoitring the spot, Surrey, who despaired of being able to attack the Scots without exposing himself to the probability of defeat, again sent a herald, to request the king to descend from the eminence into the plain. He complained somewhat unreasonably that James had "putte himself into a ground more like a fortress or a camp, than any indifferent field for battle to be taxed;"[2] and hoping to work on the chivalrous spirit of the monarch, hinted that "such conduct did not sound to his honour;" but James would not even admit the messenger into his presence. So far all had suc-

[1] Stow says five thousand. Lord Herbert, one thousand, Kennet, vol. ii. p. 18.

[2] Letter of Surrey; published by Ellis, vol. i. pp. 86, 87; dated at "Woolerhaugh, the 7th day of Sept., at five of the clock in the afternoon."

ceeded, and nothing was required on the part of the king but patience. He had chosen an impregnable position, had fulfilled his agreement by abiding the attack of the enemy; and such was the distress of Surrey's army in a wasted country, that to keep it longer together was impossible. He attempted, therefore, a decisive measure, which would have appeared desperate unless he had reckoned upon the carelessness and inexperience of his opponent. Passing the Till on the 8th of September, he proceeded along some rugged grounds on its east side to Barmoor Wood, about two miles distant from the Scottish position, where he encamped for the night. His march was concealed from the enemy by an eminence on the east of Ford; but that the manœuvre was executed without observation or interruption, evinced a shameful negligence in the Scottish commanders. Early on the morning of the 9th he marched from Barmoor Wood in a north-westerly direction; and then turning suddenly to the eastward, crossed the Till with his vanguard and artillery, which was commanded by Lord Howard, at Twisel bridge, not far from the confluence of the Till and the Tweed, — whilst the rear division, under Surrey in person, passed the river at a ford, about a mile higher up.

Whilst these movements were taking place, with a slowness which afforded ample opportunity for a successful attack, the Scottish king remained unaccountably passive. His veteran officers remonstrated. They shewed him that if he advanced against Surrey, when the enemy were defiling over the bridge with their vanguard separated from the rear, there was every chance of destroying them in detail, and gaining an easy victory. The Earl of Angus, whose age and experience gave great weight to his advice, implored him either to assault the English, or to change his position by a retreat, ere it was too late; but his prudent counsel was only received by a cruel taunt,—"Angus," said the king, "if you are afraid, you may go home;" a reproach which the spirit of the old baron could not brook. Bursting into tears, he turned mournfully away, observing that his former life might have spared him such a rebuke from the lips of his sovereign. "My age," said he, "renders my body of no service, and my counsel is despised; but I leave my two sons, and the vassals of Douglas in the field: may the result be glorious, and Angus's foreboding unfounded!" The army of Surrey was still marching across the bridge, when Borthwick, the master of the artillery, fell on his knees before the king, and earnestly solicited permission to bring his guns to bear upon the columns, which might be then done with the most destructive effect; but James commanded him to desist on peril of his head, declaring that he would meet his antagonist on equal terms in a plain field, and scorned to avail himself of such an advantage. The counsel of Huntly was equally ineffectual; the remonstrance of Lord Lindsay of the Byres, a rough warrior, was received by James with such vehement indignation, that he threatened on his return to hang him up at his own gate. Time ran on amidst these useless altercations, and the opportunity was soon irrecoverable. The last divisions of Surrey's force had disentangled themselves from the narrow bridge; the rear had passed the ford; and the earl, marshalling his army with the leisure which his enemy allowed him, placed his entire line between James and his own country. He was thus enabled, by an easy and gradual ascent, which led to Flodden, to march upon the rear of the enemy; and, without losing his advantage for a moment, he advanced against them in full array, his army being divided into two battles, and each battle having two wings.[1] On becoming aware of this, the king immediately set fire to the temporary huts and booths of his encampment, and descended the hill, with the object of occupying the eminence on which the village of

[1] Original Document in State-paper Office, entitled "Articles of the Bataill, betwixt the Kyng of Scottis and the Erle of Surrey, in Brankston Field, the 9th day of September."

Brankston is built. His army was divided into five battles, some of which had assumed the form of squares, some of wedges; and all were drawn up in line, about a bow-shot distance from each other.[1] Their march was conducted in complete silence; and the clouds of smoke which arose from the burning camp, being driven in the face of the enemy, mutually concealed the armies; so that when the breeze freshened, and the misty curtain was withdrawn, the two hosts discovered that they were within a quarter of a mile of each other. The arrangement of both armies was simple. The van of the English, which consisted of ten thousand men, divided into a centre and two wings, was led by Lord Thomas Howard; the right wing being intrusted to his brother, Sir Edmund, and the left to Sir Marmaduke Constable. In the main centre of his host, Surrey himself commanded; the charge of the rear was given to Sir Edward Stanley; and a strong body of horse, under Lord Dacre, formed a reserve. Upon the part of the Scots, the Earls of Home and Huntly led the vanguard or advance; the king the centre, and the Earls of Lennox and Argyle the rear: near which was the reserve, consisting of the flower of the Lothians, commanded by the Earl of Bothwell. The battle commenced at four in the afternoon by a furious charge of Huntly and Home upon the portion of the English vanguard under Sir Edmund Howard: which, after some resistance, was thrown into confusion, and totally routed. Howard's banner was beaten down; and he himself escaped with difficulty, falling back on his brother, the admiral's division. That commander, dreading the consequences of the defeat, instantly despatched a messenger to his father, Lord Surrey, entreating him to extend his line with all speed, and strengthen the van by drawing up a part of the centre on its left. The manœuvre was judicious, but it would have required too long a time to execute it; and at this critical moment, Lord Dacre galloped forward with his cavalry, to the support of the vanguard.[2] Nothing could have been more timely than this assistance; he not only checked the career of the Scottish earls, but, being seconded by the intrepid attack of the admiral, drove back the division of Huntly with great slaughter, whilst Home's men, who were chiefly Borderers, imagining they had already gained the victory, began to disperse and pillage. Dacre and the admiral then turned their attack against another portion of the Scottish vanguard, led by the Earls of Crawford and Montrose, who met them with levelled spears, and resolutely withstood the charge. Whilst such was the state of things on the right, a desperate contest was carried on between James and the Earl of Surrey in the centre. In his ardour, however, the king forgot that the duties of a commander were distinct from the indiscriminate valour of a knight; he placed himself in the front of his lances and billmen, surrounded by his nobles, who, whilst they pitied the gallant weakness of such conduct, disdained to leave their sovereign unsupported.[3] The first consequence of this was so furious a charge upon the English centre, that its ranks were broken; and for a while the standard of the Earl of Surrey was in danger; but by this time Lord Dacre and the admiral had been successful in defeating the division led by Crawford and Montrose; and wheeling towards the left, they turned their whole strength against the flank of the Scottish centre, which wavered under the shock, till the Earl of Bothwell came up with the reserve, and restored the day in this quarter. On the right the divisions led by the Earls of Lennox and Argyle were composed chiefly of the Highlanders and Islemen; the Campbells, Macleans, Macleods, and other hardy clans, who were dreadfully galled by the discharge of the English archers. Unable to reach the enemy with their broadswords and axes, which formed their only weapons, and at no

[1] Gazette of the Battle in the Herald's Office. Pinkerton, vol. ii. p. 456.

[2] Letter of Lord Dacre, in Pinkerton, vol. ii. p. 460.

[3] Hall, p. 562.

time very amenable to discipline, their squadrons began to run fiercely forward, eager for closer fight, and thoughtless of the fatal consequences of breaking their array.[1] It was to little purpose that La Motte and the French officers who were with him attempted by entreaties and blows to restrain them; they neither understood their language nor cared for their violence, but threw themselves sword in hand upon the English. They found, however, an enemy in Sir Edward Stanley, whose coolness was not to be surprised in this manner. The squares of English pikemen stood to their ground; and although for a moment the shock of the mountaineers was terrible, its force once sustained became spent with its own violence, and nothing remained but a disorganisation so complete that to recover their ranks was impossible. The consequence was a total rout of the right wing of the Scots, accompanied by a dreadful slaughter, in which, amid other brave men, the Earls of Lennox and Argyle were slain. Yet, notwithstanding this defeat on the right, the centre, under the king, still maintained an obstinate and dubious conflict with the Earl of Surrey. The determined personal valour of James, imprudent as it was, had the effect of rousing to a pitch of desperate courage the meanest of the private soldiers, and the ground becoming soft and slippery from blood, they pulled off their boots and shoes, and secured a firmer footing by fighting in their hose. No quarter was given on either side; and the combatants were disputing every inch of ground, when Stanley, without losing his time in pursuit of the Highlanders, drew back his division, and impetuously charged the rear of the Scottish centre. It was now late in the evening, and this movement was decisive. Pressed on the flank by Dacre and the admiral, opposed in front by Surrey, and now attacked in the rear by Stanley, the king's battle fought with fearful odds against it; yet James continued by his voice and his gestures to animate his soldiers, and the contest was still uncertain when he fell pierced with an arrow, and mortally wounded in the head by a bill, within a few paces from the English earl, his antagonist. The death of their sovereign seemed only to animate the fury of the Scottish nobles, who threw themselves into a circle round the body, and defended it till darkness separated the combatants. At this time Surrey was uncertain of the result of the battle, the remains of the enemy's centre still held the field; Home with his Borderers hovered on the left, and the commander wisely allowed neither pursuit nor plunder, but drew off his men, and kept a strict watch during the night. When the morning broke, the Scottish artillery were seen standing deserted on the side of the hill, their defenders had disappeared, and the earl ordered thanks to be given for a victory which was no longer doubtful. He then created forty knights on the field, and permitted Lord Dacre to follow the retreat; yet, even after all this, a body of the Scots appeared unbroken upon a hill, and were about to charge the lord admiral, when they were compelled to leave their position by a discharge of the English ordnance.[2] The soldiers then ransacked the camp, and seized the artillery which had been abandoned. It consisted of seventeen cannon, of various shapes and dimensions, amongst which were six guns, admirable for their fabric and beauty, named by the late monarch the Six Sisters, which Surrey boasted were longer and larger than any in the arsenal of the King of England. The loss of the Scots in this fatal battle amounted to about ten thousand men.[3] Of these a great proportion were of high rank; the remainder being composed of the gentry, the farmers, and landed yeomanry, who disdained to fly when their sovereign and his nobles lay stretched in heaps around them. Amongst the slain were thirteen earls —Crawford, Montrose, Huntly, Lennox, Argyle, Errol, Athole, Morton,

[1] Buchanan, xiii. 38.

[2] Hall, in Weber's Flodden Field, p. 364.

[3] Original Gazette of the battle preserved in the Herald's Office, London. Apud Pinkerton, vol. ii. p. 456.

Cassillis, Bothwell, Rothes, Caithness, and Glencairn, the king's natural son, the Archbishop of St Andrews, who had been educated abroad by Erasmus, the Bishops of Caithness and the Isles, the Abbots of Inchaffray and Kilwinning, and the Dean of Glasgow. To these we must add fifteen lords and chiefs of clans: amongst whom were Sir Duncan Campbell of Glenurcha, Lauchlan Maclean of Dowart, Campbell of Lawers, and five peers' eldest sons, besides La Motte, the French ambassador, and the secretary of the king. The names of the gentry who fell are too numerous for recapitulation, since there were few families of note in Scotland which did not lose one relative or another, whilst some houses had to weep the death of all. It is from this cause that the sensations of sorrow and national lamentation occasioned by the defeat were peculiarly poignant and lasting; so that to this day few Scotsmen can hear the name of Flodden without a shudder of gloomy regret.[1] The body of James was found on the morrow amongst the thickest of the slain, and recognised by Lord Dacre, although much disfigured by wounds. It was carried to Berwick, and ultimately interred at Richmond.[2] In Scotland, however, the affection of the people for their monarch led them to disbelieve the account of his death; it was well known that several of his nobles had worn in the battle a dress similar to the king's; and to this we may probably trace a report that James had been seen alive after his defeat. Many long and fondly believed that, in completion of a religious vow, he had travelled to Jerusalem, and would return to claim the crown.[3]

1 See Notes and Illustrations, letter X.

2 Weever's Funeral Monuments, p. 181.

3 Godwin in his Annals, p. 22, mentions, "That when James's body was found, his neck was opened in the middle with a wide wound, his left hand, almost cut off in two places, did scarce hang to his arm, and the archers had shot him in many places of his body." The sword and dagger of the unfortunate monarch are to be seen at this day preserved in the College of Arms in London, and have been engraved by the late Mr Weber as a frontispiece to the battle of "Flodden Field," an ancient poem published by that author.

The causes which led to this defeat are of easy detection, and must be traced chiefly to the king himself. His obstinacy rendered him deaf to the advice of his officers, and his ignorance of war made his individual judgment the most dangerous guide. The days which he wasted in the siege of Norham and Etal, or squandered at Ford, gave his enemy time to concentrate his army, and, when the hosts were in sight of each other, he committed another error in permitting Surrey to dictate to him the terms on which they were to engage. A third blunder was the neglect of attacking the English in crossing the river, and his obstinacy in not employing his artillery, which might have broken and destroyed the enemy in detail, and rendered their defeat when in confusion comparatively easy. Last of all, James's thoughtlessness in the battle was as conspicuous as his want of judgment before it. When Surrey, mindful of his duty, kept himself as much as possible out of the deadly brunt of the conflict, and was able to watch its progress, and to give each division his prompt assistance, the Scottish monarch acted the part of Richard or Amadis, more solicitous for the display of his individual bravery and prowess, than anxious for the defeat of the enemy. It was a gallant but a fatal weakness, which cannot be sufficiently condemned; dearly expiated, indeed, by the death of the unfortunate prince himself, whose fate, some may think, ought to defend him from such severity of censure; but when we consider the flood of noble and of honest blood which was poured out at Flodden, and the long train of national misfortunes which this disaster entailed upon the country, it is right that the miseries of unnecessary warfare, and the folly of a thirst for individual glory, should be pointed out for the admonition of future ages.

The character of this monarch may be sufficiently understood by the history which has been given of his reign; and it is pleasing, in running over its most prominent features, to exchange censure for applause. His energy, firm-

ness, and indefatigable activity in the administration of justice; his zeal for the encouragement of the useful arts; his introduction of the machinery of law and justice into the northern districts and the dominions of the Isles; his encouragement of the commerce and the agriculture of the country; his construction of a naval power; his provision for increasing the means of national defence by casting artillery, building forts, and opening by his fleet a communication with the remotest parts of his kingdom, were all worthy of high praise: whilst his kindness of heart, and accessibility to the lowest classes of his subjects, rendered him deservedly beloved. His weaknesses were, a too anxious desire for popularity, an extravagant love of amusement, and a criminal profusion of expenditure upon pleasures which diminished his respectability in the eyes of his subjects, and injured them by the contagion of bad example. He was slain in the forty-second year of his age, leaving an only son, an infant, who succeeded him by the title of James the Fifth. His natural children, by various mothers of noble blood as well as of homely lineage, were numerous; and some of them who have hitherto escaped the research of the antiquary may be traced in the manuscript records of the high-treasurer.

CHAPTER VII.

JAMES THE FIFTH.

1513—1524.

THE news of the discomfiture of the Scottish army at Flodden spread through the land with a rapidity of terror and sorrow proportionate to the greatness of the defeat, and the alarming condition into which it instantly brought the country. The wail of private grief, from the hall to the cottage, was loud and universal. In the capital were to be heard the shrieks of women who ran distractedly through the streets, bewailing the husbands, the sons, or the brothers, who had fallen, clasping their infants to their bosoms, and anticipating in tears the coming desolation of their country. In the provinces, as the gloomy tidings rolled on, the same scenes were repeated; and, had Surrey been inclined, or in a condition to pursue his victory, the consequences of the universal panic were much to be dreaded; but the very imminency of the public danger was salutary in checking this violent outburst of sorrow in the capital. During the absence of the chief magistrates who had joined the army with the king, the merchants to whom their authority had been deputed, exhibited a fine example of firmness and presence of mind. They issued a proclamation which was well adapted to restore order and resolution. It took notice of the rumour touching their beloved monarch and his army, which had reached the city, dwelt on its uncertainty, and abstained from the mention of death or defeat; it commanded the whole body of the townsmen to arm themselves at the sound of the common bell, for the defence of the city. It enjoined, under the penalty of banishment, that no females should be seen crying or wailing in the streets, and concluded by recommending all women of the better sort to repair to

the churches, and there offer up their petitions to the God of battles, for their sovereign lord and his host, with those of their fellow-citizens who served therein.[1]

It was soon discovered that, for the moment at least, Surrey had suffered so severely that he did not find himself strong enough to prosecute the victory, and an interval of deliberation was thus permitted to the country. Early in October a parliament assembled at Perth, which from the death of the flower of the nobility at Flodden, consisted chiefly of the clergy.[2] It proceeded first to the coronation of the infant king, which was performed at Scone with the usual solemnity, but amid the tears, instead of the rejoicings of the people. Its attention was then directed to the condition of the country; but its deliberations were hurried, and unfortunately no satisfactory record of them remains. Contrary to the customary law, the regency was committed to the queen-mother, from a feeling of affectionate respect to the late king. The castle of Stirling, with the custody of the infant monarch, was intrusted to Lord Borthwick;[3] and it was determined, till more protracted leisure for consultation had been given and a fuller parliament assembled, that the queen should use the counsel of Beaton, archbishop of Glasgow, with the Earls of Huntly and Angus. It appears, however, that there was a party in Scotland which looked with anxiety on the measure of committing the chief situation in the government to a female, whose near connexion with England rendered it possible that she might act under foreign influence; and a secret message was despatched by their leaders to the Duke of Albany, in France,—a nobleman who, in the event of the death of the young king, was the next heir to the throne,—requesting him to repair to Scotland and assume the office of regent, which of right belonged to his rank.[4]

In the meantime the apprehensions of the country were quieted by the intelligence that Surrey had disbanded his host—a proceeding to which that able commander was reduced not only by the loss which he had sustained, but by the impossibility of supporting an invading army without the co-operation of a fleet. It was probably on his own responsibility that Howard thus acted, for, on receiving accounts of the victory, whilst still in France, Henry appears to have been solicitous to follow up his advantage, and transmitted orders to Lord Dacre of the north, warden of the eastern marches, and Lord Darcy, directing them to make three principal incursions into Scotland. These orders were partially obeyed, and in various insulated inroads much devastation was committed by the English; but the retaliation of Home, the warden of the Scottish marches, was equally prompt and destructive, whilst the only consequences from such mutual hostilities, were to protract the chances of peace by the exacerbation of national animosity.

The condition of the country, meanwhile, was alarming; and when men began to recover from the first impulses of grief, and to consider calmly the most probable schemes for the preservation of order, under the shock which it had received, the prospect on every side appeared almost hopeless. The dignified clergy, undoubtedly the ablest and best educated class in Scotland, from whose ranks the state had been accustomed to look for its wisest councillors, were divided into feuds amongst themselves, occasioned by the vacant benefices. The Archbishop of St Andrews, the prelates of Caithness and the Isles, with other ecclesiastical dignitaries, had fallen in the field of Flodden, and the intrigues of the various claimants distracted the Church and the council. There were evils also to be dreaded from the character and the youth of the queen-mother. Margaret had been married at fourteen,

[1] Hailes' Remarks on the History of Scotland, chap. viii.

[2] Dacre to the Bishop of Durham, 29th Oct. Brit. Mus. Caligula, b. iii. 11, quoted in Pinkerton, vol. ii. p. 112.

[3] Dacre to the King's Highness.—Harbottle, 13th Nov. Caligula, b. vi. 38, d.

[4] Lesley, Bannatyne edit. p. 97. Pinkerton, vol. ii. p. 112.

and was now only twenty-four: her talents were of so high an order that they drew forth the unbiassed encomium of Surrey, Dacre, and Wolsey; but there were some traits in her disposition which remind us of her brother, Henry the Eighth. Her resentments were hasty, her firmness sometimes degenerated into obstinacy, her passions were often too strong for her better judgment; her beauty, vivacity, and high accomplishments, were fitted to delight and adorn a court, but imparted an early devotion to pleasure, too much encouraged by the example of the late king; and which his sudden and unhappy fate rather checked than eradicated. For a while, however, the excess of grief, and her situation, which promised an increase to the royal family, kept her in retirement, and rendered her an object of deep interest to the people.

The Duke of Albany had now received the invitation from the lords of his party; and unable instantly to obey it in person, he sent over the Sieur d'Arsie de la Bastie,[1] the same accomplished knight whom we have seen a favourite of James the Fourth, and who was already personally known to many of the Scottish nobles. Along with him came the Earl of Arran, who, since the unfortunate result of his naval expedition, by which the late king had been so deeply incensed, appears to have remained in France, in command of that portion of the fleet which was the property of the crown; the remainder, consisting of merchant vessels commissioned by government, having probably long ago dispersed on private adventure. He was cousin-german to Albany: the former being the son of Mary, sister to James the Third; the latter of Alexander, the brother of that prince, whose treason, as we have seen, against the government in 1482, did not scruple to aim at the crown, and even to brand the reigning monarch with illegitimacy. Arran still bore the title of high-admiral, and brought to Scotland a few ships, the three largest vessels having been left behind in France. His high birth and near relationship to the royal family impressed him with the idea that his interference would be respected; but his abilities were of an inferior order, and he found many proud nobles ready to dispute his authority. Amongst these, the principal were Home, the chamberlain; the Earl of Angus, the recent death of whose father and grandfather had placed him, when still a young man, at the head of the potent house of Douglas; and the Earls of Huntly and Crawford, who were the most influential lords in the north. Between Home and Angus a deadly feud existed—the lesser nobles and gentry in the south joining themselves to one side or the other, as seemed most agreeable to their individual interests; whilst in Athole, and other northern districts, bands of robbers openly traversed the country; and on the Borders the dignities and revenues of the Church, and the benefices of the inferior clergy, became the subjects of violent and successful spoliation.[2]

In the midst of these scenes of public disorder, repeated attempts were made to assemble the parliament; but the selfishness of private ambition, and the confusion of contradictory councils, distracted the deliberations of the national council; and the patriotic wisdom of the venerable Elphinston in vain attempted to compose their differences.[3] It was, however, determined that for the immediate repressing of the disturbances, the Earl of Crawford should be appointed chief justice to the north of the Forth, and Home to the same office in the south; whilst, in contemplation of the continuance of the war with England, an attempt was made to derive assistance from the courts of Denmark and France. To the sovereigns of both these countries Scotland had readily lent her assistance in troops and in money: the insurrection of the Norwegians against the Danish monarch had been put down by her instrumentality; and the war with

[1] Lesley, p. 97.

[2] Pinkerton, vol. ii. p. 120.

[3] Dacre to the King, 10th March, Caligula, b. vi. 48, quoted in Pinkerton, vol. ii. p. 219.

England, which had cost the country so dear, had been undertaken at the instigation of France; yet from neither the one nor the other did the Scots, in their day of calamity, receive anything like an equivalent for her sacrifices. The present policy of Lewis the Twelfth, who had been reduced to extremity by the league formed against him, rendered this monarch solicitous for peace with England, and fearful o any step which might exasperate its sovereign. He not only, therefore, refused all active assistance, but ungenerously threw difficulties in the way of Albany's departure, pretending that he could not dispense with the services of so valuable a subject,—a mortifying lesson to Scotland upon the folly of her foreign alliances, but of which she had not yet the wisdom to make the proper use.

In the midst of this disturbance at home, and disappointment abroad, the queen-mother was delivered of a son, who was named Alexander, and created Duke of Ross; whilst a parliament, which met immediately after her recovery, confirmed her in the regency, and appointed "three wise lords," whose names do not appear, to have the keeping of the young king and his brother.[1] Yet, in spite of every endeavour to allay them, the disorders of the country continued; and whilst the queen corresponded with her brother, lamenting the selfish ambition and fierce independence of Home, who arrogated to himself an almost royal authority, that monarch ungenerously abused her information, by directing his wardens of the Border to repeat their inroads, and carry havoc and war into the defenceless country. It was a miserable feature of feudal Scotland (it may be said, indeed, of feudal Europe) that a woman of any wealth or rank, who was deprived of the protection of a husband or father, became an object of attack, liable to be invaded in her castle and carried off by some of those remorseless barons, who, in the prosecution of their daring ends, little recked the means they used. The greater the prize, the more certain and alarming was the danger; and as the possession of the person of the infant monarch gave to any faction which obtained it the chief influence in the government, we may easily understand that the queen-mother, surrounded by a fierce and ambitious nobility, for the suppression of whose lawless proceedings the authority with which she had been intrusted was insufficient, soon began to long for some more powerful protector. That Margaret, therefore, should have thought of a second marriage was by no means extraordinary; but when it was declared that, without any previous consultation with her council, she had suddenly given her hand to the Earl of Angus, her best friends regretted her choice. It was evidently a match not so much of policy as of passion, for Angus is described by the sagacious Dacre as "childish young, and attended by no wise councillors;" but his person and countenance were beautiful, his accomplishments showy and attractive, whilst his power, as the head of the house of Douglas, was equal, if not superior, to that of any baron in the kingdom. The queen herself was still in the bloom of her youthful charms; and when her affections fixed upon Angus, she only waited for her recovery from childbirth, to hurry into marriage with a precipitancy which was scarcely decorous, and certainly unwise. By the terms of the royal will, it at once put an end to her regency; and although Angus flattered himself that his new title, as husband of the queen, would confer upon him the tutelage of the infant sovereign, he was met by an opposition far more powerful than he anticipated.

The peace between France and England was now concluded; and although Scotland was embraced in the treaty at the desire of Lewis, the cold and cautious terms in which that country was mentioned, might have convinced her rulers of the folly which had squandered so much treasure, and sacrificed so much national prosperity, for a sovereign whose gratitude lasted no longer than his necessity. It was stated that if, upon notification of the

[1] Margaret to Dacre, Caligula, b. vi. 78.

peace, the Scots were desirous of being included, there should be no objection urged to their wishes;[1] but if, after intimation of these terms, which was to be made before the 15th of September, any invasions took place on the Borders, the clause comprehending that country was to be of no effect. No invasion of any note did take place, but minor inroads on both sides disturbed, as usual, the peace of the marches; and the difficulty of adjusting these in the courts of the wardens, with the desire to postpone all leading measures till the arrival of Albany, occasioned a delay of eight months before Scotland acceded to the treaty.

One of the immediate effects of the imprudent marriage of the queen seems to have been the separation of the nobility and the country into two great factions, which took the names of the English and French parties. At the head of the former were Angus and the queen; indeed, if we except the great power and widely ramifying vassalage of the house of Douglas, there were few other permanent sources of strength on which they could build their hopes. The latter, the French faction, embraced almost the whole nobility, and was supported by the sympathies of the people. The fatal defeat at Flodden was yet fresh in their memory, and revenge, a natural feeling, to which the principles of the feudal system added intensity, prompted them to fruitless desires for a continuance of the war; a jealousy of the interference of Henry, a certainty that the queen-mother had entered into an intimate correspondence with this monarch, consulting him upon those public measures which ought to have been regulated by the council and the parliament, and a recollection of the intolerable domination, once exercised by the house of Douglas, all united to increase the numbers of the French faction, and to cause a universal desire for the arrival of the Duke of Albany. Nor could this event be much longer delayed. Lewis had now no pretext for his detention; the peace with England was concluded, the sentence of forfeiture, which had excluded the duke from the enjoyment of his rank and estates in Scotland was removed, and the condition of the country called loudly for some change.

At this crisis, by the death of the venerable and patriotic Elphinston, bishop of Aberdeen, was removed the only man who seemed to possess authority in the state, an occurrence which increased the struggles of ecclesiastical ambition.[2] It was the intention of the queen to have appointed Elphinston to the archbishopric of St Andrews, but on his death she nominated to that see the celebrated Gawin Douglas, her husband's uncle,—a man whose genius, had this been the only requisite for the important dignity, was calculated to bestow distinction upon any situation. Hepburn, however, Prior of St Andrews, a churchman of a turbulent and factious character, had interest enough with the chapter to secure his own election; whilst Forman, bishop of Moray, the personal favourite of the late king, whose foreign negotiations and immense wealth gave him great influence at the court of Rome, was appointed to fill the vacant see by a Papal bull, which he for a while did not dare to promulgate. An indecent spectacle was thus exhibited, which could not fail to lower the Church in the eyes of the people: the servants of Douglas, supported by his nephew and the queen, had seized the archiepiscopal palace, but were attacked by Hepburn, who carried the fortress, and kept possession of it, although threatened by Angus with a siege. Forman, however, had the address to secure the interest of Home, the chamberlain, and a treaty having been entered into, in which money was the chief peacemaker, it was agreed that Hepburn should surrender the castle, on condition of retaining the revenues which he had already collected, and receiving for his nephew the rich priory of Coldingham.[3]

These ecclesiastical commotions, however, were surpassed in intensity by the feuds amongst the nobles, who traversed

[1] Pinkerton, vol. ii. pp. 121, 122.

[2] Lesley, p. 100.

[3] Ibid. p. 101. Coldingham is in Lammermuir, near St Abb's Head.

the country at the head of large bodies of their armed vassals, and waged private war against each other with a ferocity which defied all interference. The Earl of Arran, encouraged by the protracted delay of Albany, aspired to the regency; and being joined by the Earls of Lennox and Glencairn, declared war against Angus, who narrowly escaped falling into an ambuscade which was laid for his destruction. The castle of Dumbarton was seized by Lennox; and Erskine, the governor, who held it for the queen, was expelled from his place. Dunbar, the most important fortress in the kingdom, was delivered to the French knight, De la Bastie, who claimed it as that part of the earldom of March which belonged to his master, Albany. Beaton, archbishop of Glasgow, a prelate of a selfish and intriguing temper, keenly supported the interests of the French party; whilst the Earl of Huntly, one of the most powerful barons in the north, threw his influence into the scale of the queen and Angus, which was supported also by Lord Drummond and the Earl Marshal.[1]

Under this miserable state of things, Henry the Eighth, by means of his able minister, Lord Dacre, who entertained many Scottish spies in his pay, kept up a regular correspondence with the queen, and availed himself of their confusion, to acquire a paramount influence over the affairs of the country. He even carried his intrigues so far as to make a secret proposal to Margaret for her immediate flight with the infant monarch and his brother into England, a scheme which amounted to nothing less than treason: the agents in this plot were Williamson, one of the creatures of Dacre, an English ecclesiastic resident in Scotland, and Sir James Inglis, the secretary of the queen. Margaret, in reply, regretted that she was not a private woman, able to fly with her children from the land where she was so unhappy, but a queen, who was narrowly watched; whilst any failure in such an attempt might have cost her servants their heads, and herself her liberty. It is, perhaps, not extraordinary that such a scheme should be regarded with no very strong feeling of revolt by the youthful queen, to whom Henry artfully held out the inducement of her son being declared heir-apparent to the English throne. But that Angus and his uncle Douglas should have entertained the proposal, that they should rather have declined it as dangerous and not strictly honest, than cast it from them as an insult to their feelings of national honour and individual integrity, presents the principles of these eminent persons in no favourable light. Meanwhile, although baffled in the perpetration of this project, the intrigues of Dacre contributed greatly to strengthen the English faction, and Home, whose formidable power and daring character rendered his accession no light matter, embraced the party of the queen.

Albany, who had long delayed his voyage, now began to think in earnest of repairing to Scotland. The death of Lewis the Twelfth, which had been followed by the accession of Francis the First, was accompanied by no material change in the policy of his kingdom towards her ancient ally; and an embassy was despatched to induce the Scottish government to delay no longer accepting those terms by which they were comprehended in the peace between France and England. In a letter from the Council of State, this request was complied with, on the ground that, although not so far weakened by their recent disaster as to doubt they should be soon able to requite their enemies, yet, for the love they bore to France, and their zeal for the crusade against the infidels, which was then in agitation, they would be sorry that Scotland should oppose itself to a general peace.[2]

Scarce had Le Vaire and Villebresme, the French ambassadors, received this favourable answer, when, on the 18th of May, the Duke of Albany, with a squadron of eight ships,

[1] Orig. Letter, quoted by Pinkerton, vol. ii. p. 126. Sir James Inglis to Williamson, 22d Jan. 1515. Caligula, b. i. 22; also b. vi. 114. Adam Williamson to the Bishop of Dunkeld.

[2] Rymer, vol. xiii. p. 509.

came to anchor at Dumbarton.[1] His arrival had been anxiously expected: he landed amidst the unaffected joy of all who desired the re-establishment of good government in the country; and he was soon after installed in the office of regent;[2] but the task of restoring order was one of no easy execution; and even to a statesman of far superior talents, some of the difficulties which presented themselves would have been almost insurmountable. The intrigues of Henry the Eighth, conducted with much skill and judgment by Lord Dacre, had separated from his party some of the most potent of the nobility, who at a former period anxiously requested his presence; and many good men, who anxiously desired a continuance of peace, and deplored the calamities which an unnecessary war had already entailed upon the country, dreading the politics of Albany, which soon disclosed an unreasonable animosity to England, threw their influence into the faction which opposed him: others, indeed, resented the interference of England in the Scottish councils, deeming it impolitic and unnatural, that the monarch who had slain the father, and shed with unexampled profusion the noblest blood in the land, should be selected as the favoured counsellor of the infant successor and his widowed mother. To assert their independence as a kingdom, and to cherish a hope of revenge, were the principles which actuated no inconsiderable party; nor is it to be doubted, that amongst the great body of the people these feelings were regarded with applause. Of this numerous class the new regent might have easily secured the support, had he not alienated them by a too servile devotion to France; whilst the English party brought forward very plausible arguments to shew the danger of intrusting the government of the kingdom, or the custody of the sovereign and his brother, to one so circumstanced as Albany. From his father, who had traitorously attempted to seize the crown, and to brand the royal family with the stain of illegitimacy, he was not likely, they said, to imbibe very loyal ideas; whilst the late instance in England, of the crimes of Richard the Third, would not fail to suggest a lesson of successful usurpation and murder to a Scottish usurper, between whom and his title to the throne there stood only the slender lives of two infants. Even setting aside these weighty considerations, they contended that he evinced nothing of the feelings or national independence of a Scotsman. He was ignorant of the constitution, of the language, of the manners of the country: his loyalty to the French king, whom he constantly styled his master; his ties to that kingdom, where his life had been spent, his honours won, and his chief estates were situated; his descent from a French mother, and marriage with the Countess of Auvergne, were all enumerated, and with much plausibility, as circumstances which incapacitated him from feeling that ardent and exclusive interest in Scotland which ought to be found in him to whom the regency was committed. When to all this it is added, that Albany was passionate in his temper, and sometimes capricious and wavering in his policy, it was not expected that his government would be attended with much success.

Yet these prognostications were not verified, and his first measures contradicted such surmises by the steady determination which they evinced to put down the English party, and to curb the insolence of power which had been shewn by the supporters of Angus and the queen. Lord Drummond, grandfather to Angus, and constable of Stirling castle, was committed prisoner to the castle of Blackness, for an insult offered to Lion herald in the queen's presence.[3] Soon after, Gawin

[1] These vessels appear to have been the remains of that fleet which James had despatched, under the Earl of Arran, to the assistance of the French monarch, and whose building and outfit had cost the country so large a sum. Lesley, p. 102.

[2] He was made regent on the 10th July. Dacre to the Council. Caligulas, b. ii. 341. Kirkoswald, 1st August.

[3] Acts of the Parliament of Scotland, vol.

Douglas, the talented and learned Bishop of Dunkeld and uncle to Angus, was shut up in the sea tower of St Andrews, on a charge of having illegally procured his nomination to that see by the influence of Henry the Eighth with the Papal court: it was in vain that the queen implored, even with tears, the pardon and delivery of her councillors, — the first, recommended by his venerable age, and steady attachment to the royal family, the other by his distinguished talents. Albany was unmoved; and the supporters of the queen, with the exception of Home and Angus, shrunk from an alliance which exposed them to so severe a reckoning.[1]

But the most important affair, and one which required immediate attention, was the custody of the young monarch and his brother. These princes were still under the charge of their mother, the queen-dowager. The negotiations, however, into which she had entered with Henry the Eighth, and in the course of which Williamson and Dacre had almost prevailed on her to deliver the royal children to England, proved clearly that since her new connexion with Angus, she was unworthy to remain their protector. The regent, therefore, wisely judged that no time ought to be lost in removing them from her charge; and for this purpose a parliament was assembled at Edinburgh. The measures which were adopted appear to have been framed with as much attention to the feelings of the mother, as was compatible with the security of the princes. Eight lords were nominated by the parliament, out of which number four were to be chosen by lot; and from these Margaret was to select three, to whose custody the king and his brother were to be committed. This having been done, the three peers proceeded to the castle of Edinburgh, where the commands of the parliament were to be carried into effect; but nothing was further than obedience from the mind of the queen. When the nobles approached, the gates of the fortress were thrown open, disclosing to the populace, who rent the air with their acclamations, their royal mistress standing at the entrance, with the king at her side, his hand locked in hers, and a nurse behind, who held his infant brother in her arms.[2] The sight was imposing; nor was its effect diminished, when, with an air of dignity, and a voice, whose full tones all could distinctly hear, she bade them stand and declare their errand. On their answer, that they came in the name of the parliament to receive from her their sovereign and his brother, the princess commanded the warder to drop the portcullis, and that massive iron barrier having instantly descended between her and the astonished delegates, she thus addressed them:—"I hold this castle by the gift of my late husband, your sovereign, who also intrusted to me the keeping and government of my children, nor shall I yield them to any person whatsoever; but I respect the parliament, and require a respite of six days to consider their mandate." Alarmed for the consequences of this refusal, which, if persevered in, amounted to treason, Angus, who stood beside the queen, entreated her to obey the order of the parliament, and took a notarial instrument on the spot, that he had consented to the surrender of the children; but Margaret was firm, and the peers retired to acquaint the regent with their ill success.[3]

Meanwhile their mother removed them from Edinburgh castle, which she dreaded could not be defended against the forces of the parliament, to Stirling, a city more completely devoted to her interest. She then transmitted her final answer to the regent: it proposed that the children should be committed to the custody of Angus,

ii. p. 284. Caligula, b. vi. 105. Remembrance of an Informacion by me, Margaret, Quene of Scots.

[1] Queen Margaret's Remembrance. Caligula, b. vi 105.

[2] Dacre to the Council. Caligula, b. ii. 341; an interesting original letter, first opened by the research of Pinkerton, vol. ii. p. 137.

[3] Caligula, b. ii. 341, b. 2.

Home, the Earl Marshal, and Lauder of the Bass,—all of them, with the exception of the Marshal, devoted to her interest, and in intimate correspondence with England.[1] This evasion, which was nothing more than a reiteration of her refusal to obey the orders of parliament, rendered it necessary for Albany to adopt decisive measures. He accordingly collected an armed force, summoned all the lords, on their allegiance, to lend their assistance in enforcing the orders of the supreme council of the nation; directed Ruthven and Borthwick to blockade the castle of Stirling, so that no provisions should be permitted to enter; and commanded Home, who was then provost of Edinburgh, to arrest Sir George Douglas, the brother of Angus, that peer being himself in the Mearns; whilst his uncle held Douglas castle. Home indignantly refused, and, under cover of night, fled to Newark, a Border tower upon the Yarrow; whilst Angus, who had received orders to join the host at the head of his vassals, kept himself within his strength, in his own country, and concentrated his power for the storm which he saw approaching.

A proclamation was now issued against such persons as illegally retained the castle of Stirling; and Albany, at the head of seven thousand men, and attended by all the peers except Home and Angus, marched against that fortress, and summoned it to an immediate surrender. Resistance was hopeless; and the queen had already carried her obstinacy beyond all prudent bounds; her party, which chiefly consisted of friends retained in her service by the money of England, deserted her when the danger became imminent; and requesting an interview with the regent, she delivered the keys of the castle to the infant monarch, who placed them in the hand of Albany, and only added her hope, that the royal children, herself and Angus, would be treated with favour. The answer of the regent assured the princess that, to herself and his infant sovereign, he was animated by no feelings but those of devoted loyalty; but for Angus, whose opposition to the will of parliament, and dangerous correspondence with England, amounted, he declared, to treason, he would promise nothing, so long as he and his followers were banded together in open rebellion.[2] The king and his infant brother were then committed to the custody of the Earl Marshal, (a nobleman who had been nominated on a former occasion by the royal mother herself,) along with the Lords Fleming and Borthwick, whose fidelity to the crown was unsuspected. John Erskine was appointed governor of the fortress; a guard of seven hundred soldiers left in it; and the queen conducted with every mark of respect to Edinburgh, where she took up her residence in the castle. The Earl of Home, on being informed of this decided success, no longer hesitated to throw himself into the arms of England; and in a private conference with Dacre, concerted measures of resistance and revenge. To this meeting Angus was not admitted, by the sagacity of the English warden; his youth and versatility of purpose being dreaded; but Home continued to work on the husband of the queen, and the strength of Teviotdale was raised to resist the alleged tyranny of the regent, and avert the destruction which hung over the English party in Scotland.[3]

In this emergency the conduct of Albany was marked by prudence and decision; he summoned the force of the kingdom; but, before proceeding to hostilities, transmitted a message to the queen, in which he expressed his earnest desire for a pacification, and proposed articles of agreement, which were more favourable than the conduct of her party deserved. He engaged to support her and her husband in all their just and equitable actions; to put her in full possession of her jointure lands, and maintain her in the state and dignity befitting her rank, under the condition that she

[1] Caligula, b. ii. 341, b. 2.

[2] Dacre to the Council, Harbottle, 7th August. Caligula, b. ii. 369. Diurnal of Occurrents, p. 6. See Notes and Illustrations, letter Y.

[3] Dacre to the Council. Caligula, b. ii. 369.

should accede to the wishes of the parliament, co-operate in those measures which were esteemed best for the security and independence of the state, and renounce all secret connexion with other realms, especially with England. When Henry's schemes for the removal of the king and his brother, and the intrigues by which Dacre contrived to defeat every attempt to reduce the country to order and good government are taken into view, these proposals appear wise and conciliatory. Yet such was the unhappy infatuation of the queen, that she rejected them without hesitation, and to make a merit of her firmness, transmitted them privately to Dacre.[1] To Home, the chamberlain, Albany was less lenient: he insisted that he should leave Scotland; and the haughty chief at once justified the severity by addressing a message to the English warden, in which he requested the assistance of an English army, and held out the inducement to Henry, that the country lay open to invasion. The crisis, he said, only required immediate activity and vigour, by which the monarch might destroy his enemies, and new model the government according to his interest and wishes.[2] These offers were strongly seconded by Dacre, who advised an invasion; whilst the chamberlain, assured of the support of England, assembled a powerful force, and commenced the war by retaking the castle of Home, which had been seized by the regent; and securing the strong tower of Blacater, situated on the Borders, within five miles of Berwick.[3] To this safehold the queen, who had continued her secret correspondence with Henry, now resolved to retire, finding herself, as she represented, in a sort of captivity at Edinburgh, whilst her friends were imprisoned, and her resources impoverished by the injustice of the regent. Dacre had recommended Blacater from its proximity to England, and the facility she would enjoy of support and communication with her royal brother,—shrewdly observing, also, that, being within the Scottish Borders, her enemies could not allege that she had forfeited her rights by deserting the country. She accordingly found means to join Lord Home, who, at the head of an escort of forty soldiers, conveyed her in safety to Blacater, from whence, if danger became imminent, she could secure a rapid and easy retreat into England.[4]

Nothing could be more imprudent than such a proceeding. Henry, although professing peace, was at this moment the worst enemy of Scotland. Having been baffled in his attempt to get the young king into his hands, it became his object to increase the necessary evils of a minority, by thwarting every measure which promised to restore tranquillity to that country. By means of his indefatigable agent, Lord Dacre, he had not only corrupted some of its leading nobility, but so successfully fomented dissensions amongst them, that every effort of the regent to re-establish the control of the laws was rendered abortive by the prevalence of private war. To league herself, therefore, with England, against the independence of that country of which her son was sovereign, whilst Albany, with much earnestness and sincerity, offered her a complete restoration to all those rights and revenues, as queen-dowager, which she had not forfeited by her marriage, was an excess of blindness and pertinacity difficult to be understood, and which drew after it the most calamitous consequences.

The conduct of Albany had been marked hitherto by a laudable union of firmness and moderation; and so completely was it seconded by the approval of the nobles and the clergy, that, although on other points at variance amongst themselves, all appear to have united in support of his determination to enforce obedience to the parliament, and restore some degree of

[1] Caligula, b. vi. 83, 84.

[2] Ibid. b. ii. 186. Lord Home to Dacre, Pinkerton, vol. ii. p. 145.

[3] Franklin to the Bishop of Durham, Norham, 29th August. Caligula, b. iii. 133. Blacater is situated on a stream of the same name.

[4] Credence to Lord Dacre and Thomas Magnus, by the Queen of Scots. Caligula, b. vi. 85.

stability to the government. He found little difficulty, therefore, in raising an army of forty thousand men: but anxious that his intentions should be clearly understood—that none should mistake his resolution to reduce an internal rebellion, which was headed by disaffected subjects, for the desire of foreign war—he despatched Sir William Scott and Sir Robert Lauder to meet Henry's commissioners, Dacre and Dr Magnus, and to labour for the satisfactory adjustment of all disputes upon the Borders. At the same time, John Duplanis, a French envoy, was commissioned to renew the terms for an agreement, which had been formerly offered to the queen, and which this ill-advised princess once more indignantly repelled.

The regent instantly advanced to the Borders, where it was expected the Earl of Home would be able to make some serious resistance; but the power of this dreaded chief melted away before the formidable array of Albany: he was taken prisoner; committed to the charge of the Earl of Arran; found means to seduce his keeper, not only to favour, but to accompany his escape; and fled to England, whither he was soon after followed by the queen and Angus.[1] No step could have been adopted more favourable to the intrigues of Henry; and the fugitives were received by Lord Dacre with open arms. The queen, shortly before this, had addressed a letter to Albany, in which she attempted a vindication of her conduct; necessity had compelled her, she asserted, to forsake her country, not without fears for her life; she protested against the conduct of the regent, and claimed, as a right conferred on her by the will of the late king, her husband, (a deed which had received the Papal confirmation,) the government of the kingdom, and the tutelage of the infant monarch.[2] The first pretence was ridiculous; for since his arrival in Scotland, Margaret had been treated by Albany with invariable respect. To the second request the council of Scotland returned the answer, that by her second marriage, Margaret, according to the terms of the royal will, had forfeited all right to the tutelage of her son; whilst the disposal of the government could neither be affected by the will of a deceased monarch, nor the sanction of a living Pope, but belonged to the three estates, who had conferred it upon the Duke of Albany.[3]

That nobleman, notwithstanding the infatuation of the mother of his sovereign, was still anxious to make a last effort for a compromise; he addressed two letters to her on the same day: the first, a manifesto from the council; the other, a private communication, written with his own hand. The terms of both were moderate, and even indulgent. The council implored her to awake to her duty; declared their aversion to all rigorous measures; besought her to come back amongst them; and, as an inducement, promised that she should enjoy the disposal of all benefices within her dowry lands, a benefice to her late councillor, Gawin Douglas; and, lastly, the guardianship of her children, if she would solemnly promise that they should not be carried out of the kingdom. These proposals the queen imprudently rejected; for what reasons, does not clearly appear. An acute historian[4] pronounces them too specious to be honest; but Albany's whole conduct shews them to have been sincere, although Margaret, acting under the influence of Angus, Home, and Arran, had been taught to regard them with suspicion. Immediate acceptance of them was indeed impossible, for within eight days after she had taken refuge in England the queen bore a daughter to Angus, the Lady Margaret Douglas, the future mother of the weak and unfortunate Darnley; at the same

[1] Dacre and Dr Magnus to Henry the Eighth, Harbottle, 18th October. Caligula, b. vi. 110.

[2] Caligula, b. vi. 119. The Queen of Scots to the Duke of Albany, 10th October. Harbottle.

[3] Council of Scotland, 13th October 1515. Caligula, b. vi. 120. "Madame, we commend our humyle service to your grace."

[4] Pinkerton, vol. ii. p. 151.

time her husband entered into a private bond with Home and Arran, by which they engaged, for themselves, their vassals, and supporters, to resist the regent, and to deliver their infant sovereign from the suspected guardianship in which he was held by those who then ruled in Scotland. This agreement, which was dated 15th of October 1515, although it bears no express reference to England, appears to have been concluded under the direction of Lord Dacre.[1]

Nothing now remained for Albany but to exercise with firmness the authority which had been committed to him; yet, although the conduct of those who leagued themselves against the government compelled him to measures of just severity, he evinced an anxiety for conciliation. The flight of Arran rendered it necessary for him to seize the castles of a rebel; but when, at Hamilton, his mother presented herself before the regent, and passionately interceded for her son, he received the matron, who was a daughter of James the Second, with the respect due to her royal descent, and assured her of forgiveness, could she prevail on him to return to his allegiance; nor was he forgetful of his promise, for Arran, a nobleman of a weak and vacillating, though ambitious character, renounced the league with Angus as precipitately as he had embraced it, and was immediately received into favour. At this moment the Duke of Ross, the infant brother of the king, was seized with one of the diseases incident to his early years, and died at Stirling,—a circumstance which, it was to be expected, would not be lost upon the queen, who instantly fulminated against Albany an accusation of poison. So atrocious a charge fell innoxious upon the upright character of the regent, who, although the nearest heir to the crown, had felt enough of its thorns to make him rather dread than desire the kingdom; and the future conduct of Angus and Home, from whose faction the calumny proceeded, demonstrates its falsehood. Yet the enmity of Gawin Douglas, the accomplished Bishop of Dunkeld, did not hesitate, in 1522, to repeat the story.

These events were followed by a renewal of the alliance with France; and to evince that the governor was animated by a sincere desire for that tranquillity which could alone afford him leisure to compose the troubles of the country, Duplanis, the French ambassador, and Dunbar, archdean of St Andrews, were sent to meet the English commissioners at Coldingham for the negotiation of a peace between the two countries. At this moment Henry earnestly desired such an event; the success of Francis the First, at the battle of Marignano, had given to this prince the whole Milanese, and roused the jealousy of Wolsey, who now directing, but with no profound policy, the councils of England, prevailed on his master and the emperor to enter into a league for the expulsion of the French from Italy. It was necessary, therefore, to be secure on the side of Scotland; and although a general peace could not be then concluded, the truce between the kingdoms was renewed.[2] Home and Angus, whose conduct had been dictated by the selfishness of disappointed ambition, were awakened by these prudent measures to the desperate state of their affairs; and soon after, withdrawing themselves from the queen, who lay dangerously ill at Morpeth, they retired into Scotland, where, restored once more to their hereditary possessions, they for a time abstained from all opposition to the government. The facility with which these nobles appear to have procured their pardon, was in the regent perhaps more generous than prudent; but it evinces the sincerity of his desire for the welfare of the country, and seems completely to refute those charges of insatiate avarice and profuse dissipation raised against him by the malice of his enemies, and too hastily retailed by a

[1] Caligula, b. vi. 124. Copie of the Bande made betwixt the Erles of Angus and Arran, and the Chamberlane of Scotland. Coldstream, 15th October 1515.

[2] Rymer, vol. xiii. p. 549.

historian of this period.[1] For the conduct of Home, the queen found some excuse, but to be thus deserted at her utmost need by a husband for whom she had sacrificed her royal pomp and power, was an ungrateful return for her love, which Margaret's proud spirit never forgave. She waited only for her recovery to fly to the English court, where she loaded Albany and Angus with reproaches, imploring her royal brother to interfere for the preservation of her son, and her restoration to those rights which in truth had been forfeited solely by her own imprudence.

Nor was Henry deaf to her entreaties; overlooking the conciliatory principles which marked the government of Albany, and which, in spite of the bribery and intrigues of Dacre, had received the support of the people, this monarch directed a letter to the three estates, in which, in no measured terms, he called upon them not only to remove that nobleman from the regency and the care of the king's person, but to expel him from the kingdom; upon the ground that, as the nearest heir to the throne, he was the most suspicious person to whom so sacred a charge could be committed. To this extraordinary epistle, which was laid before them in a parliament assembled at Edinburgh, on the first of July 1516, the estates returned a decided answer. They reminded Henry that the Duke of Albany was governor by their own deliberate choice, expressed in a general council of the nation held immediately after the coronation of their youthful sovereign. He had undertaken, they said, this high and responsible office, which, by the canon law, belonged to him as nearest relative to the infant king, not from his own wishes, but at their earnest request. He had left the service of France, and his estates and honours in that country, with reluctance; he had fulfilled its duties with much talent and integrity; and they declared that, so essential did they consider his remaining at the head of affairs to the national happiness, that, were he willing, they would not permit him to escape his duties, or to leave the country. With regard to the anxiety expressed for the safety of the infant monarch, they observed that it appeared wholly misplaced in the present instance, as the person of the sovereign was intrusted to the keeping of the same lords to whose care he had been committed by his mother the queen; whilst they concluded with great firmness and dignity, by assuring the English monarch that it was their determination to resist with their lives every attempt to disturb the peace of the realm, or endanger the security of the present government.[2]

This spirited epistle might have convinced Henry of the folly of his ambition to become the chief ruler in the kingdom of his nephew; but although the haughtiness with which he had disclosed his intentions had for the moment defeated his design, and united against him the discordant elements of the Scottish aristocracy, it was not long before the intrigues of his minister, Lord Dacre, succeeded in creating distrust and disturbance, and once more reinstating in its strength the English faction in Scotland. The means and agents by which this was effected were as base as they were successful. From an original letter of the warden himself, addressed to Wolsey, we learn that he had in his pay four hundred Scots, whose chief employment was to distract the government of Albany by exciting popular tumults, encouraging private quarrels, and rekindling the jealousy of the higher nobles. "I labour and study all I can," says he, "to make division and debate to the intent that, if the duke will not apply himself, that then debate may grow that it shall be impossible for him to do justice; and for that intended purpose I have the Master of Kilmaurs kept in my house secretly, which is one of the greatest

[1] Pinkerton, (vol. ii. p. 155,) who without considering its suspicious tenor, gives implicit belief to the Memorial of Gawin Douglas, (Caligula, b. iii. 309,) and to the "Wrongs" of the queen, (Caligula, b. ii. 211:) an original signed by "Margaret."

[2] Rymer, Fœdera, vol. xiii. p. 550.

parties in Scotland. . . . And also," he adds, "I have secret messages from the Earl of Angus and others, . . . and also four hundred outlawes, and giveth them rewards that burneth and destroyeth daily in Scotland, all being Scotsmen that should be under the obedience of Scotland."[1] Such was the commencement by Dacre of that shameful system for the fostering of internal commotions, by the agency of spies and the distribution of bribes amongst the nobles, which was continued by Sir Ralph Saddler, and afterwards brought to perfection by Lord Burleigh under Elizabeth. It is to this cause, and not, as has generally been believed, to any fault or gross mismanagement upon the part of the regent, that we must ascribe the misery of the country. Albany was supported by the affection and confidence of the middle classes, and the great body of the nation; but their influence was counteracted, and his efforts completely paralysed, by the selfish rapacity of the clergy, and the insolent ambition of the aristocracy.[2] Scarcely had Arran returned to his allegiance, when he entered into a new combination with Lennox, Glencairn, Mure of Caldwell, and other barons, with the apparent object of wresting from the regent that share of the government to which Arran not unjustly deemed himself entitled, by his affinity to the royal family, but for which his vacillating character totally incapacitated him. The rebellion at first assumed a serious aspect: the castle of Glasgow, belonging to Beaton, archbishop of that see, and which was important from its being the depôt of the king's artillery, was stormed and plundered by Mure, who enriched himself by the spoil, and retained it for Arran;[3] but the promptitude and energy of Albany, who instantly assembled an army and marched to the spot, overawed the conspirators and compelled them to submit to terms. The fortress was surrendered. Beaton the primate employed his influence to obtain the pardon of Arran with his associate earls; and Albany, who often erred on the side of leniency, once more received them to the peace of the king; whilst Mure, an able and turbulent baron, who was nearly connected with Lennox, profiting by the commotion, continued to excite disturbances in the west country.

It had been under the condition of his renouncing all secret intercourse with Henry the Eighth, and residing peaceably on his estates, that Albany had extended forgiveness to Home. But it soon became apparent that the attempt to secure his adherence to the government was hopeless. His correspondence with Dacre was renewed; bands of hired marauders, known to be followers of the Scottish earl, and in the pay of England, broke across the marches, and ravaged the country with unexampled boldness and ferocity. Murders, rapine, fire-raising, and every species of outrage, threatened the total dissolution of society; and it became necessary either to vindicate the laws by an example of instantaneous severity, or weakly to abandon the government to the anarchy by which it was invaded. Under these circumstances, Home and his brother, either trusting to Albany's ignorance of their correspondence, or inveigled by his promises, imprudently visited the court, and were instantly apprehended. Much obscurity hangs over the trial which followed; and if we may believe some of our historians, the charge of having excited the late commotions against the regent, was mingled with a more atrocious accusation of being accessary to the defeat at Flodden, and the death of the late king. That this last imputation was unfounded, seems to be proved by sufficient evidence; but the truth of the first was notorious, and could be established by a multiplicity of witnesses. The lord chamberlain was accordingly found

[1] Letter, Dacre to Wolsey, 23d August 1516. Caligula, b. i. 150, published by Sir Henry Ellis, in his valuable Collection of Letters, vol. i. p. 131, first series.

[2] To this observation there were a few exceptions, but these had little influence where the majority were corrupted.

[3] Mure of Caldwell had married Lady Jane Stewart, sister to the Earl of Lennox. MS. document, in possession of William Mure, Esq. of Caldwell.

guilty: against his brother the same sentence was pronounced; and both were executed without delay, their heads being afterwards exposed above the Tolbooth, or public prison of the capital.[1] Ker of Ferniehirst,[2] one of their chief followers and a baron of great power on the marches, was also tried and condemned, but respited by the regent, who instantly led a powerful force to Jedburgh, and, by a judicious severity, reduced the unquiet districts on the Border to a state of temporary repose. The office of chamberlain was bestowed upon Lord Fleming, a nobleman of tried fidelity, whilst the French knight, De la Bastie, who was much in the confidence of the regent, and possessed of equal courage and experience, became warden of the east Borders,—an appointment deeply resented by the friends of Home, who secretly meditated, and at length accomplished a cruel revenge.

On his return to Edinburgh, Albany assembled the parliament. Its principal business was the disposal of a singular claim presented by his step-brother Alexander Stewart, which, had it been supported by the three estates, must have excluded him from the regency. Stewart was the eldest son of Alexander, duke of Albany, the regent's father, by his first marriage with a daughter of the Earl of Orkney; but it was now declared that this marriage had been pronounced unlawful by a vote of a former parliament, and on this ground the title of Albany, the eldest son by a second marriage, was confirmed as the second person in the realm, and nearest heir to the crown.[3] Not long after, Francis de Bordeaux, ambassador from the court of France, arrived in Scotland; and the expectations of the regent and the parliament were sanguine as to the assistance about to be derived from this country against the continued efforts of Henry the Eighth. It was soon, however, discovered that the policy of that kingdom towards Scotland had undergone a considerable change. The treaty of Noyon, concluded on the 26th of August 1516, between Francis the First and the King of Spain, had secured to the former monarch his conquests in Italy: the Emperor Maximilian, after an ineffectual attempt to wrest from him the Duchy of Milan, had been compelled to retire and accede to its provisions; whilst to France the single difficulty remained of removing the enmity of Henry the Eighth. It is this object which explains the coldness of Francis to his ancient allies, the Scots. They had claimed a restitution of the county of Xaintonge, originally assigned by Charles the Seventh to James the First in 1428; but their demand was evaded; they had requested the aid of France against England; it was not only refused, but an advice added, recommending the regent to conclude a peace with that country upon the first occasion which offered; nay, not content with this startling dereliction of those principles upon the permanence of which Albany had too securely rested, the French monarch refused to ratify the alliance between France and Scotland, which had been renewed by his ambassador Duplanis and the Scottish council of regency within a year after the death of James the Fourth.

We are not to wonder that such conduct increased, in no small degree, the difficulties which already embarrassed the regent. His conduct in his high office had been marked by ability and disinterestedness. He had maintained the independence of Scotland by resisting the rude dictation of Henry; but he shewed every desire to cultivate peace with England upon a fair basis: he had punished, with a severity to which he was compelled by their frequent repetition, the treasons of Home, and the excesses of the Borders; he had shewn the utmost anxiety to recall the queen-mother to her country and her duties, provided such an event could be accomplished without endangering the safety of the young monarch; and the confidence in

[1] Lesley, Hist. Bannatyne edit. p. 107. The chamberlain suffered on the 8th, and his brother on the 9th of October 1516.

[2] The castle of Ferniehirst is on the river Jed.

[3] Acts of the Parliament of Scotland, vol. ii. p. 283. Keith's Catalogue of Bishops, p. 88. Pinkerton, vol. ii. p. 161.

his administration which was expressed by parliament, had given a decided refutation to the injurious attacks of his enemies. But these enemies were still powerful: the money of England and the intrigues of Dacre continued to seduce many venal persons amongst the Scottish nobles: their vassals were encouraged to weaken the government by spoliations, private feuds, and every species of unlicensed oppression; whilst every attempt to introduce into the great body of the aristocracy a principle of cordial union, which might at once secure the integrity of the country and promote their own interests, was broken by the selfishness and rapacity of their leaders. Under such disheartening circumstances, the regent had looked to the support of France, as a counterpoise to the concealed attacks of England; but this was now about to be withdrawn;[1] and in the parliament which assembled in November 1516, to deliberate upon the communication of the French ambassador, Albany, with much earnestness, requested permission of the three estates to revisit France for a short period.

From all who were interested in the welfare of the country, this proposal met with a vigorous opposition. They contended, and with plausibility, that the absence of the governor would be the signal for the return of the anarchy and confusion which had preceded his arrival, and that, having accepted the regency under an act of the three estates which declared him the nearest heir to the throne, it was his duty to remain in the country, to share the labour and responsibility of that station: they hinted that, should he now leave Scotland, his return to the office of regent could not, and perhaps ought not to be guaranteed to him; and they anticipated the renunciation of the alliance with France, and the certain triumph of the English faction.[2] In such predictions there was much wisdom; yet Albany, who was intent on revisiting his foreign estates, a proceeding to which he was invited by a private message brought by La Fayette from the French king, at length extorted an unwilling consent from the parliament. His leave of absence, however, extended only to four months, and in this interval the management of the government was intrusted to a council of regency, consisting of the prelates of St Andrews and Glasgow, with the Earls of Huntly, Argyle, Angus, and Arran. The young king was brought to Edinburgh castle, and intrusted to the keeping of Lord Erskine and the Earl Marshal. Prior to his departure, the Bishop of Dunkeld, and Panter, the secretary, were despatched on an embassy to the French court; and he himself, eager to revisit the land which was endeared to him by all the recollections of his former life, embarked at Dumbarton on the 7th of June.[3]

Some time before this it had been arranged in parliament that the queen-mother should be permitted to revisit Scotland, under the condition that she should abstain from all interference with the authority of Albany; and this princess, whose intrigues and ambition had occasioned so much distress to the country, the moment she heard of the arrival of the governor in France, set out for the Scottish capital, accompanied by a slender train, more befitting her misfortunes than her rank. At Lamberton Kirk, the same familiar spot where, fourteen years before, she had been received by the Scottish nobles, the blooming bride of her sovereign, she was met by Angus, Morton, and De la Bastie; but on her arrival in Edinburgh was not permitted to visit her son the king. It was soon after understood that the plague had made its appearance in the capital, and his guardians took the precaution of removing the young monarch to Craigmillar, where, relaxing in their rigour, his mother was indulged with occasional interviews; but a report having arisen that a secret project had been formed for his being carried into England, (an attempt which the former conduct of the queen rendered it exceedingly likely

[1] Epistolæ Reg. Scot. vol. i. pp. 243, 248.

[2] Calig. b. vi. 138. "Clarencieux," to "My Lord Cardinal; dated Alnwick," 31st Nov.

[3] Lesley, p. 109. Caligula, b. vi. 107.

would be repeated,) it was thought proper once more to restore him to the security of his original residence.[1]

To insure, if possible, the continuance of quiet to the country during his absence, Albany had carried along with him, as hostages, the eldest sons of many of the noblest families, whilst he had committed the principal command upon the Borders, at all times the most distracted and lawless portion of the country, to the chivalrous and polished De la Bastie, whose talents in the field and in the cabinet were still higher than his accomplishments in the lists. The title of lieutenant, or deputy of the governor, was likewise conferred on him, and he was intrusted with the invidious and delicate task of transmitting to the absent regent reports upon the conduct of the Scottish Border chiefs. The friends and vassals of the Earl of Home, men familiar with blood, and who esteemed revenge a sacred duty, had never forgiven Albany the execution of this powerful and popular rebel, and they now determined, the moment an occasion offered, that De la Bastie, the deputy of the governor, should suffer for the crime of his master. Nor was this opportunity long of occurring: keeping his state as warden in the fortress of Dunbar, La Bastie exerted himself with indefatigable diligence in repressing disorder. On the first intelligence of any commotion he was instantly in person on the spot; and it was out of this fearless activity that his enemies contrived his ruin. A plot to entrap him was laid by Home of Wedderburn, and other Border chiefs; and, to draw their unsuspecting victim into it, they pretended to besiege the tower of Langton.[2] On receiving intelligence of this outrage, De la Bastie, with some French knights in his train, galloped towards the scene of commotion, and ere he was aware found himself surrounded by the unrelenting Borderers. Conscious of the cruel fate which awaited him, he pushed his horse to speed, and, from the extraordinary fleetness of the animal, had nearly escaped, when his ignorance of the country unfortunately led him into a marsh. Every effort entangled him more deeply; it was in vain that he struggled to extricate himself—in vain that he besought his merciless pursuers, as they valued their honour as knights, to spare his life and accept his submission: the only reply was, insult and mockery; and, throwing themselves upon him, he was cruelly murdered. The ferocious Lord of Wedderburn, exulting in the complete though tardy vengeance, cut off his head, tied it by its long and plaited tresses to his saddlebow, and, galloping into the town of Dunse, affixed the ghastly trophy on the market-cross. He then threw himself into his castle, where for a season he defied the utmost efforts of the laws.[3]

The death of La Bastie was a serious blow to the maintenance of the authority of Albany; but, although unable instantly to arrest the perpetrators, the regents exerted themselves with considerable vigour. It was suspected that Angus, or at least his brother, Sir George Douglas, had been involved in the guilt of the Homes; and on this ground Arran, the next in power amongst the nobles, was appointed warden of the marches. Without delay he seized Douglas and his accomplice, Mark Ker: measures also were taken for the trial of the Homes, whose escape might have produced the worst consequences; and a parliament having assembled at Edinburgh on the 19th of February, sentence of forfeiture was passed against all concerned in the assassination of La Bastie. The more difficult task remained in the apprehension of the culprits; but Arran having assembled a powerful force, accompanied by the king's artillery, an arm of war which the nation owed to the late monarch, marched against the insurgents. Ere he had advanced many miles, however, the rebels be-

1 Lesley, Hist. p. 109.

2 I have heard that there is a curious MS. history of the family of Wedderburn, at Wedderburn House, which gives some minute and interesting particulars regarding the murder of De la Bastie. He was slain by John and Patrick Home, younger brothers of the Laird of Wedderburn.

3 Lesley, p. 110. Pinkerton, vol. ii. p. 170.

sought his mercy. The keys of the castle of Home were delivered to him at Lauder, the fortified houses of Langton and Wedderburn thrown open, and the warden, with perhaps too great a leniency, extended even to the principal murderers a pardon.

The four months' absence permitted by the parliament to Albany had now expired: but they had been passed in such unquietness, and the collision of opposite factions had so much increased, that he preferred the security and comfort of France to the precarious and thankless power of the regency, and wrote earnestly to the queen-mother, recommending her, if she could obtain the concurrence of the nobles, to resume her former station as head of the government.[1] But Margaret, with female weakness, insisted that her husband, Angus, to whom she had been lately reconciled, should be nominated regent; a proposal which the Earl of Arran, and the whole body of the Scottish nobles who had experienced his insolence and weakness, resolutely opposed. The chief power, therefore, continued in the hands of the regency, and a renewal of the truce with England [2] gave some leisure to attend to the healing of the wounds which still deeply rankled in the country. Of these one of the chief was to be found in the condition of the Isles, where the rude inhabitants had lately signalised themselves by unusual violence and disorder. Under the latter years of the reign of James the Fourth, these districts had been unusually tranquil. It had not been the sole policy of that monarch to overawe the seditious by the severity of his measures: he had endeavoured to humanise them by education, and to introduce a knowledge of the laws, and a respect for their sanctions; not through the suspected medium of Lowlanders, but by supporting Highland scholars at the universities, and afterwards encouraging them to reside permanently within the bounds of the Isles. It was as an additional means for the accomplishment of this enlightened purpose that this monarch was ever anxious to get into his power the sons of the Highland chiefs, whom he educated at court; hoping thus to attach them to his service, and to employ them afterwards as useful instruments in the civilisation of their country. With this view he had secured, in some of his northern expeditions, the youthful sons of Sir Alexander Macdonald of Lochalsh;[3] and the eldest of these became a favourite of the monarch. He restored part of his paternal estate, conferred on him the distinction of knighthood, and permitted him frequently to visit the Isles.[4] Upon the death of this sovereign it was soon discovered that these favours had been thrown away, for scarcely had the chieftains escaped from the carnage at Flodden and returned home, when a rebellion was secretly organised, of which the object was to restore the ancient principality of the Isles in the person of Sir Alexander Macdonald of Lochalsh. At the head of this insurrection was Maclean of Dowart,[5] commonly called Lauchlan Cattanach, and Macleod of Dunvegan, who seized the castles of Carnelreigh and Duuskaich, and threatened with the extremity of fire and sword all who resisted the authority of the new Lord of the Isles. It needed not this fresh source of disorganisation to weaken the administration of Albany; and although a commission to put down the insurrection was early given to the Earl of Argyle, and his efforts were seconded by the exertions of Mackenzie of Kintail, Ewen Alanson, and Monro of Foulis, the rebellion against the government spread through Lochaber and western Ross. Many of the most powerful families, especially those of Maclean and Macleod, with the clan Ian Mhor of Isla, persisted in their resolution to establish an independent sovereignty; and it was not till after a considerable

[1] Caligula, b. i. p. 247. Margaret to Lord Dacre, Lithgow, 13th October.

[2] Rymer, Fœdera, vol. xiii. p. 599.

[3] An extensive district in Ross-shire.

[4] Gregory's Hist. of the West Highlands and Isles, p. 106. He was known in the Highlands by the name of Donald Galda, or Donald the Foreigner.

[5] Dowart Castle in Mull.

interval of tumult and predatory warfare that the exertions of Argyle succeeded in reducing the insurgents, who were treated with uncommon leniency. Under assurances of safety, the principal leaders repaired to court, and the chief of Lochalsh procured for himself and his followers favourable terms of reconciliation.[1] Scarce, however, had he returned to his remote dominions when, owing to a feud which he had long maintained against MacIan of Ardnamurchan, the flames of civil discord were again kindled in the Isles, and the ferocity of private warfare soon assumed the more serious shape of rebellion against the state. Ample powers were again granted to Argyle, as lieutenant-general over the Isles; and Maclean of Dowart, lately the chief supporter of Sir Donald, having procured a remission for all the crimes committed by himself and his adherents during the insurrection, not only deserted his cause, but engaged in hostilities against him with a violence which declared that nothing but the utter destruction of the "wicked blood of the Isles" would restore tranquillity to the government of his sovereign, or security to the inhabitants of these remote districts. There seems reason to believe, however, that the extensive power granted by the council to Argyle and Maclean was more nominal than real; for although broken in his strength, the indefatigable claimant of the throne of the Isles remained unsubdued; and having united his forces to those of the Macleods and Alexander of Isla, he was strong enough to attack and entirely defeat his mortal enemy MacIan, at Craiganairgid, in Morvern. MacIan himself, with his two sons, were amongst the slain: the ferocious Islanders, who had a heavy arrear of blood to settle with this powerful chief, exulted in the ample vengeance by which he had been overtaken; and the consequences of this victory might have proved serious had not the rebellion been brought to an unexpected close by the death of Sir Donald of Lochalsh, who left no descendants to dispute the claims of the throne to the lordship of the Isles. From this period till the assumption of the supreme power by James the Fifth, the principality of the Isles remained in comparative tranquillity, owing principally to the exertions of the Earl of Argyle, whose activity and loyalty are, perhaps, to be traced as much to his ambition of family aggrandisement, as to any higher patriotic motive.

Although tranquillity was thus restored in these remote districts, the country continued disturbed. Much of the disorder was to be traced to the violence and ambition of Angus, whose feudal power was too great for a subject, and whose disappointment in being refused the regency, delighted to vent itself in an open defiance of the laws. For a while his reconciliation with the queen, to whom, as the mother of their sovereign, the nation still looked with affection, imparted a weight to his faction, which rendered him a formidable opponent to the regency; but the fickleness of his attachment, his propensity to low pleasures, and the discovery of a mistress whom he had carried off from her friends and secluded in Douglasdale, once more rekindled the resentment of the proud princess whom he had deserted, and an open rupture took place. She assumed a high tone, violently upbraided him for his inconstancy, reminded him that with misplaced affection she had even pawned her jewels to support him in his difficulties, and concluded by expressing her determination to sue for a divorce.[2]

As soon as this resolution, in which the queen was supported by the most powerful of the nobles, became known in England, Henry, who foresaw in its being carried into effect a deathblow to his influence in Scotland, opposed it with his characteristic impetuosity. He despatched Chatsworth, a friar who filled the office of minister-general of the Observantines in England, with letters to his sister, and enjoined him at the same time to remonstrate against the divorce,—a commission

[1] Gregory's History of the West Highlands, pp. 114-117.

[2] Caligula, b. i. 275. Pinkerton, vol. ii. p. 173.

which he fulfilled with much violence, declaring that the measure was illegal, that she was labouring under some damnable delusion; and insinuating, in no measured terms, that a strict examination of her own conduct might provoke from Angus a counter-charge of adultery. It is easy to see in all this a proof that Henry considered Angus as the head of the English faction, and that the queen, with the principal nobles, Arran, Argyle, Lennox, Fleming, and Maxwell, had become aware of the importance of a more cordial union against the intrigue and domination of England. Such, however, was the effect of this remonstrance, that Margaret, if not convinced, was intimidated; and, against the advice of her councillors, a reconciliation took place between her and Angus, which was as insincere as it was precipitate.[1]

From these domestic dissensions the attention of the regency was drawn to a mission from Christiern the Second, the Danish king, who earnestly petitioned from his Scottish allies a subsidy of a thousand Highland soldiers,[2] to assist him in his Norwegian wars. With more wisdom, however, than their late regent, the three estates eluded the request, on the ground that, from the uncertain dispositions of England, they could reckon little on the continuance of peace at home, and that the internal state of their own country could not at present spare its defenders. A few years after this, however, the reiterated requests of the Danish monarch were met by the grant of a small body of troops, under the command of Stewart of Ardgowan,[3] but the tyranny of Christiern, and the piracies of the Danish privateers upon the fleets of their merchantmen, effectually cooled the zeal of their allies, and no further auxiliaries appear to have left the country to the assistance of the unpopular monarch.

On his return to France, Albany carried with him an authority from the parliament to superintend the foreign affairs of Scotland; and it is to his credit that, in the disposal of benefices, at that period one of the most lucrative sources of peculation, his applications to the Pope were, without exception, in favour of natives,—a circumstance which affords a satisfactory answer to the accusations which his enemies have brought against him of a blamable love of money, and a want of national feeling. The continued change in the policy of the French king now caused the renewal of the peace with England; and Francis having included his allies, the Scots, in the treaty,[4] provided they agreed to its terms, La Fayette and Cordelle arrived as ambassadors in England, from whence, in company of Clarencieux herald, they proceeded into Scotland. It was now found that without a parliament the powers of the council of regency were insufficient to conclude this transaction; and the three estates having assembled, the French ambassador intimated, in no unequivocal terms, that if this treaty were rejected, in which his master considered the prosperity of his kingdom to be involved, his northern allies must no longer look for the support of France, —a consideration of such weight that it was not judged prudent to delay its acceptance;[5] and the prolongation of the truce between England and Scotland, to the 30th November 1520, was proclaimed at Stirling in presence of the regents and the French and English ambassadors.

To these wise proceedings the only opposition which was offered came from the Earl of Angus. As this haughty noble, whose great estates and numerous vassalry rendered him at all times formidable, increased in years, his character, throwing off the excesses of youth, discovered a power and talent for which his opponents were not prepared, and his ambition, which had

[1] Caligula, b. ii. 333. Dacre to Wolsey, Harbottle, 22d Oct. Caligula, b. vi. 194. Chatsworth to the Queen.

[2] "Mille Silvestres Scotos." Epistolæ Regum Scot. vol. i. p. 302.

[3] Ibid. vol. i. pp. 317, 318.

[4] Rymer, Fœdera, vol. xiii. p. 627. October 2, 1518.

[5] Margaret to Wolsey, Stirling, 26th Dec. Caligula, b. vi. 270. Pinkerton, vol. ii. p. 178, gives the substance of the queen's letter, but misdates it Dec. 17.

hitherto only given occasional distress, became systematically dangerous to the government. His faction was numerous, embracing the Earls of Crawford and Errol, the Lord Glammis, the prelates of St Andrews, Aberdeen, Orkney, and Dunblane, with many other dignitaries and partisans. On the arrival of the French ambassadors at the capital, he had made an ineffectual effort to intrude into the place of Arran, and undertake the management of the treaty; but this being peremptorily declined, he intercepted them on their return to England, at the head of a formidable array of his vassals, and rudely upbraided them for their alleged contempt of his authority.[1]

In the capital his intrigues amongst the citizens were more successful, and led to sanguinary results. Arran had been chosen provost of Edinburgh,—a situation which was at this period an object of contest amongst the highest nobles, and he confidently looked to his re-election. But on repairing from Dalkeith, where the court was then held, to the metropolis, he found the gates shut against him, and Archibald Douglas, the uncle of Angus, installed in the civic chair.[2] The partisans of the lieutenant-general, the title now given to Arran, attempted to force their entrance, but were repulsed with bloodshed; and Gawin, a carpenter, the friend of Angus, and the principal leader of the tumult, was slain by Sir James Hamilton, commonly called the bastard of Arran. About the same time, Home of Wedderburn, whose wife was the sister of Angus, and whose hands had been recently stained by the blood of De la Bastie, added the guilt of sacrilege to murder by assassinating the Prior of Coldingham, with six of his family, and thus making way for the intrusion of William Douglas, the brother of Angus, who instantly seized the priory. When such were the steps of ecclesiastical promotion, and such the character of the dignitaries who ascended them, we are scarcely to wonder that respect for the hierarchy did not form a feature in the age. But to this censure it must be allowed that there were eminent exceptions; and a remarkable one is to be found in the learned, pious, and venerable Dunbar, bishop of Aberdeen, who, living himself in primitive simplicity, refused to expend the minutest portion of his revenues upon his personal wants, and entirely devoted them to works of public utility and extensive charity.[3]

Amid much intestine commotion, Arran and the lords of the regency vainly attempted to exercise their precarious authority, and it would be fruitless to enumerate the individual excesses which were constantly occurring in a country torn by contending factions, and groaning under the miseries incident to a feudal minority. But, upon the meeting of a parliament which had been summoned for the healing of these disturbances, a scene occurred which is too characteristic to be omitted. The capital, where the estates were to assemble, had been partially abandoned by the partisans of Angus, who retained as a bodyguard only four hundred spearmen; whilst, in consequence of a recommendation transmitted by Albany the late regent, which wisely directed that, for the public peace, no person of the name of Hamilton or Douglas should be chosen provost, Archibald Douglas had resigned that dignity, and Robert Logan had been elected in his place. The party of Angus were thus greatly weakened in the city, and Arran, the governor, mustered in such strength, that his friends, of whom Beaton, the archbishop of Glasgow and chancellor of the kingdom, was the principal, deemed that the opportunity of reducing the overgrown power of Angus was too favourable to be neglected. For the discussion of their designs a council of the principal leaders was held in the church of the Black Friars, where Gawin Douglas, the celebrated Bishop of Dunkeld, appeared as a peacemaker between the contending factions. Addressing himself to Beaton, the primate, who wore a coat of mail under

[1] Lesley, Bannatyne edit. p. 114. 21 Caligula, b. ii. 264. Dacre to Wolsey, 10th Dec. Harbottle.

[2] Dacre to Wolsey, 10th Dec. Ibid.

[3] Lesley, History, p. 112.

his linen rocquet, he earnestly remonstrated against their intention of arresting Angus, and so warmly urged his entreaty, that Beaton, suddenly striking his hand on his breast, declared on his conscience that they had no hostile intentions, or at least that he was ignorant of their existence. "Alas, my lord," said Douglas, as the steel plates of Beaton's armour rang to the blow, "I perceive your conscience clatters." The spirited appeal of Douglas, however, had nearly succeeded, and Sir Patrick Hamilton, the brother of the governor, had agreed to become umpire, when Hamilton of Finnart, a man distinguished for his ferocity, upbraided him with cowardice in declining the combat; and pointed to the spearmen of Angus, who, being joined by a band of Borderers, under Home of Wedderburn, had arrayed themselves in a formidable phalanx upon the causeway. It was a reproach which the proud spirit of Hamilton could not bear. "Bastard *smaik*,"[1] said he, "I shall fight this day where thou darest not be seen." Upon which he rushed into the street, followed by a few of his retainers, and threw himself, sword in hand, upon the ranks of the spearmen, whilst Angus pressing forward slew him on the spot, and fiercely assaulted his followers, most of whom fell pierced by the long pikes of the Borderers: all forbearance was now at an end; and the conflict becoming general, the party of Arran, after a fierce resistance, were entirely routed, the chief himself being chased out of the city, and Beaton compelled to fly for safety behind the high altar of the church of the Dominican convent.[2] Even this sanctuary was not enough to screen him from the ferocity of the soldiers, who tore off his rocquet, and would have slain him on the spot, but for the timely interference of his rival prelate, the Bishop of Dunkeld.

[1] Smaik, a silly mean fellow.

[2] "Considering that th' Erle of Anguisse slew Sir Patrick Hamilton, brother to the said Erle of Arayn (with) his own hand, intending also to have killed him if he could." Letter, Wolsey to the Duke of Norfolk. Caligula, b. i. 326, 327.

Angus now remained master of the capital, and for some months appears to have ruled its proceedings with a boldness which defied the authority of the governor and the restraint of the laws. The heads of Home and his brother, which, since their execution, had remained exposed on the front of the public prison, were removed, masses said for their souls, and their obsequies celebrated with great solemnity.[3] A sudden attempt was soon after made to seize the governor and the chancellor, who, with some of their party, had determined to meet at Stirling, but receiving intelligence of their danger, they hastily dispersed; and Angus, whose private affairs required his presence in the extensive district which owned his authority, by retiring thither gave a temporary respite to the country.

It was still the interest of Francis the First to cultivate the amity of England. His influence with Wolsey had already procured the restitution of Tournay, and his hopes were high that the more important city of Calais, might, ere long, be restored to France, —a policy which affords a key to his transactions with Scotland. Stuart, lord of Aubigny, and Duplanis were despatched as his ambassadors to that country, and the advice which, by their master's orders, they tendered to the Scottish estates, was strikingly at variance with the former policy of France, and the feelings of a great proportion of the Scottish nobles. The necessity of maintaining peace with England, the prolongation of the truce, and the evil consequences which would result from the return of Albany, were earnestly insisted on. It was added that Francis could never consent to his leaving France, and once more rekindling, with all their ancient intensity, the flames of internal discord in Scotland, whilst no effort was left untried by the ambassadors to reconcile the differences between the French and English parties, and to re-establish the peace of the coun-

[3] Lesley, Hist. p. 116. Lindsay, Hist. pp. 120, 121. Buchanan, xiv. 12.

try.[1] To effect this, however, exceeded the skill of these French diplomatists. The hatred of the queen-dowager to her husband Angus, was now too deep to admit even the semblance of a reconciliation; her temper, which partook of her brother's violence, resented his imperious mandates; and as Dacre and Wolsey, who regarded Angus as the pillar of the English interest, began to treat her with coldness, Margaret, not unnaturally, was induced to look to France, in whose policy towards England a very sudden revolution now took place, in consequence of the election of Charles the Fifth to the imperial throne. The political treachery of Wolsey, whose personal ambition had become incompatible with the continuance of his devotion to Francis, is well known to the student of European history; and one of its immediate effects was the reconciliation of Albany and the queen-dowager, who, by a letter under her own hand, entreated his return to Scotland,[2] anticipating, by a union of their parties, the complete submission of the kingdom to their authority. It was even rumoured that Albany had employed his interest at the Papal court to procure the queen's divorce from Angus, with the design of offering her his hand; whilst a still more ridiculous report was circulated, of which it is difficult to trace the origin, that the young king had been conveyed to England, and that the boy to whom royal honours were then paid in Stirling was a plebeian child, which had been substituted in his place.

In the meantime, Angus, whose nomination as one of the regents gave him a title to interfere in the government, effectually counteracted the superior authority of Arran; and, strong in his partisans and vassals, he gained a weight in the councils of government, which was maintained with much arrogance. All things, therefore, seemed to urge upon the queen's party the necessity of immediate action; and as the open accession of Henry the Eighth to the interests of the emperor, by dissolving the ties between that monarch and the French king, had removed every impediment to the departure of Albany, this nobleman set sail from France, and arrived in Scotland on the 19th of November, disembarking from the Gareloch in Lennox; from thence he proceeded to Stirling,[3] where he was immediately joined by the queen, and welcomed by that princess, whose affections were as violent as her resentments, with an indiscreet familiarity, which gave rise to reports injurious to her honour. Lord Dacre, in a letter to his sovereign, represents her as closeted with Albany, not only during the day, but the greater part of the night, and careless of all appearances; whilst he refers his majesty to the Bishop of Dunkeld, then at the English court, for a confirmation of the intimacy which existed between them.[4] Whatever truth we are to attach to these accusations, to which the character of the queen gives some countenance, the immediate effects of Albany's arrival were highly important. It was an event which reunited the discordant factions, and gave the promise of something like a settled government. The nobility crowded to the palace to welcome his arrival, and he soon after entered the capital, accompanied by the queen and the chancellor, and with such a show of strength, that the party of Angus precipitately deserted the city; he then proceeded to the castle, where he was admitted to an interview with the young king, on which occasion the captain delivered the keys of the fortress into his hands; these, the regent with much devotion, laid at the feet of the queen-dowager, and she again presented them to Albany, intimating, that she considered him the person to whose tried fidelity the custody of the monarch ought to be intrusted.[5]

Albany, thus once more reinstated,

[1] Caligula, b. vi. 140. Instructions à Monr. Robert Estuard, Seigneur d'Aubigny.
[2] Caligula, b. ii. 195. Margaret to Dacre.
[3] Caligula, b. vi. 204, dorso. Instructions and Commission for my Lord of Dunkeld.
[4] Caligula, b. vi. 204, 205, dorso.
[5] Instructions. Angus to Dunkeld. Caligula, b. vi. 204. Pinkerton, vol. ii. p. 188.

after an interval of five years, in the precarious honour of the regency, summoned a parliament to meet within a short period at Edinburgh, and fulminated a citation against the Douglases to appear in that assembly, and reply to the weighty charges to be brought against them; but although determined to put down with a firm hand these enemies of the state, the regent was anxious for peace with England. The principles of his government, of which the venality of the Scottish nobles, and the intrigues of Dacre, the minister of Henry, alone prevented the development, were, to maintain the ancient independence of Scotland, and, whilst he dismissed all dreams of conquest or glory, to resist that secret influence, by which the English monarch, for his own ambitious designs, sought to govern a kingdom, in whose administration he had no title to interfere. The means by which he sought to accomplish these ends were, to reunite the discordant elements of the Scottish aristocracy, to persuade the queen-mother that her interest and those of her son the king were one and the same, and to open immediately a diplomatic correspondence with England, in which he trusted to convince that power of the uprightness and sincerity of his intentions.

But the difficulties which presented themselves, even on the threshold of his schemes, were great. Dacre, one of the most crafty diplomatists in the political school of Henry the Eighth, had no intentions of renouncing the hold he had so long maintained for his master over the Scottish affairs; he reckoned with confidence on the impetuous temper and capricious affections of the queen-dowager, he was familiar with the venality of the nobles, and he knew that the means he possessed of disturbing the government were many and powerful.[1] He therefore entered into a correspondence with Albany and the queen, with confident anticipations of success; but for the moment he was disappointed; he had not reckoned on the strength of their united parties, and, baffled in his efforts, his anger vented itself in accusations of the grossest and darkest nature against the governor. In the letters addressed to his royal master and to Wolsey, he represented the regent's intimacy with the queen as scandalous and adulterous; it was reported, he said, that they had endeavoured, by a high bribe, and in contemplation of their marriage, to induce Angus to consent to a divorce; that Albany evidently looked to the throne; and that some men did not scruple to affirm that the life of the young monarch was in danger. It may be conjectured that, although Dacre repeats these as the rumours which had begun to circulate amongst the people, he was himself the principal author from whom they emanated.

Such were the secret practices by which this busy political agent, and the creatures whom, on another occasion, he mentions as being in his pay, endeavoured to bring into disrepute the government of Albany; but for the present they were too gross to be successful. The only portion of truth which was to be found in them related probably to the governor's intrigue with the queen, which the licentious manners of the times, and the well-know gallantries of that princess, rendered by no means an improbable event. That Albany had any design of marriage, that he was ambitious of the royal power, or that he contemplated the atrocious crime by which he must have ascended the throne, are calumnies refuted by the whole tenor of his former and subsequent life.

[1] In a letter from Wolsey to Henry, November 1521, the secret and insidious policy of Henry towards Scotland is strikingly laid down. "Nevertheless, to cause him not only to take a more vigilant eye to the demeanour of the Scots, as well within Scotland as without, and to be more diligent, hereafter, in writing to your grace and me, but also favourably to entertain the Homes and other rebels, after his accustumable manner, so that they may continue the divisions and sedition in Scotland, whereby the said Duke of Albany may, at his coming hither, be put in danger; and though some money be employed for the entertainment of the said Homes and rebels, it will quit the cost at length."—State Papers, published by Government, p. 91.

The best practical answer, indeed, to these imputations was the success and popularity of his government. Angus, whose power had been too intolerable for the council of regency, with his adherents, Home and Somerville, were compelled to fly for security to the kirk of Steyle, a retreat whose obscurity denotes the contempt into which they had fallen. From this place they engaged in a negotiation with Henry, which was managed by the celebrated Douglas, bishop of Dunkeld, a keen and unscrupulous partisan of his nephew Angus.[1] This prelate was empowered to visit Dacre on his journey to England, and afterwards, in a personal interview with Henry, to explain to that monarch the political state of Scotland, and the alleged excesses of the regent. These, there is reason to believe, he had every disposition to exaggerate; and in consulting the original papers which he has left, and the diplomatic correspondence of Lord Dacre, the historian who is anxious to arrive at the truth, must recollect that he is perusing the evidence of partisans who were entirely devoted to the English interest, and whose object it was to reduce the country under the complete control of the English monarch. It is, therefore, with some distrust that we must listen to the accusation brought against the regent of a profligate venality in the disposal of ecclesiastical patronage, when we recollect his different conduct at a time when his actions could be closely watched, and the temptation was, perhaps, greater. To Dacre, Albany strongly remonstrated against the infractions of the truce, and the encouragement held out by Henry to those rebellious chiefs in Scotland, who had been cited to answer for their treasons before the great council of the nation; whilst the English warden, withholding from Albany his title of regent, and addressing him simply as one of the council, retorted a complaint against the conduct of Lord Maxwell, who had refused to proclaim the peace, and permitted an invasion of the English Borders. There can be no doubt that the accusations on both sides were well founded, as, in these times, from the ferocious habits of the Borderers, nothing could be more difficult than to enforce the observation of a truce; but the regent, who seems to have been sincere in his desire of peace, promised immediate redress, whilst Dacre, although he recommended his master the king to abstain from any abrupt declaration of war, craftily suggested a plan by which, through pensions granted to the English northern lords on condition of their invading the Scottish Borders, he might distress the country even more than by avowed hostilities.[2] He excited the animosity of the English king at the same time by informing him that, to the prejudice of the title of his royal nephew, the regent had assumed the style of majesty; and he insinuated, from some expressions which had been used by the Scottish governor, that his zeal in the office of lord warden might not improbably expose him to attempts against his life.[3] In the meantime the Bishop of Dunkeld proceeded on his secret mission to Henry, and the strength of Albany became so great, that after an ineffectual endeavour to abide the tempest which awaited them, Angus and his partisans deemed it prudent to escape into England.

It is unfortunate that the principal original records which remain of these troubled times, and from which we must extract the history of the second

[1] "The Instructions and Commission for my Lord of Dunkeld to be shewen to the king's grace of England" is a curious document. It is preserved in the British Museum, [Caligula, b. vi. 204,] and commences with the following startling accusation:—"Item first, ye shall shaw how the Duk of Albany is com to Skotland, and throw his pretended title that he has to the crown, it is presumed, he havand the kepand of the king our soveran lord, your nephew, and the reull of his realme and subjects, [there] is grete suspicion and danger of his person; wherefore, without hasty assistance, and help of the king's grace of England, it is thought to us that our soverain lord forsaid stands in gret jeapardie of his life." See also the valuable volume of State Papers published by Government, part i. pp. 17, 18. Wolsey to Henry VIII, July 1521.

[2] Caligula, b. vi. 205, 206.

[3] Pinkerton, vol. ii. p. 190.

regency of Albany, are so completely the composition of partisans, and so contradictory of each other, that to arrive at the truth is a matter of no little difficulty. But in examining the impetuous measures adopted by Henry, the violent accusations against the government of Albany which proceeded from Dacre and the Bishop of Dunkeld, and the animated, though partial, defence of his and her own conduct, which is given by the queen, it is clear, I think, that the views presented of the character of the regent by Pinkerton, and some later writers, are unjust and erroneous.

Soon after the flight of Angus, his uncle, the Bishop of Dunkeld, addressed a memorial to the English king, in which he bitterly arraigned the conduct of the regent, accusing him of reiterated acts of peculation, and alleging that his avarice had proceeded so far as to have converted the royal robes and tapestries into dresses for his pages; the young king, he affirmed, was kept in a state not only of durance, but of want; the fortresses of the kingdom were garrisoned by Frenchmen; the ecclesiastical benefices shamelessly trafficked for gold; and the crown lands dilapidated by a usurper, who, he maintained, had no title to the regency—it having been expressly declared by the parliament, that should Albany remain more than four months in France, he should forfeit that high office. Margaret, on the other hand, despatched an envoy to her brother, to whom she gave full instructions, written with her own hand, in which she contradicted, in the most pointed terms, the distorted representations of the Bishop of Dunkeld. She described the conduct of the regent as respectful and loyal; he had in nothing interfered, she said, with the custody of the king her son, who, by the permission of the lords whom the parliament had appointed his guardians, resided with herself in the castle of Edinburgh. She entreated Henry not to listen to the scandal which had been raised against her by a traitorous and unworthy prelate, who had forfeited his bishopric, of which the governor had given her the disposal; and she besought her brother not to imitate, in his present answer, the sternness of a former message, but to give a favourable audience to her envoy, and a friendly construction to her remonstrances.[1]

Nothing, however, could be further from the mind of this monarch, who, giving himself up completely to the selfish policy of Wolsey, had resolved upon a war both with France and Scotland; he denounced his sister as the paramour of the governor, declared that he would listen to no terms until he had expelled this usurper from Scotland; accused him of having stolen out of France, in defiance of the oath of the French king, which guaranteed his remaining in that country; he despatched Clarencieux herald with a severe reprimand to the queen, and addressed, at the same moment, a message to the Scottish estates, which gave them no choice but the dismissal of Albany, or immediate hostilities with England. To this haughty communication the Scottish parliament replied with firmness and dignity. They derided the fears expressed by Henry for the safety of his nephew the king, and the honour of his sister, as idle, entreating him to refuse all credit to the report of such Scottish fugitives as abused his confidence; they reminded him that Albany had been invited by themselves to assume the regency; that he had conducted himself in this office with all honour and ability, as clearly appeared by his discovering and defeating the iniquitous designs of those traitors who had conspired to seize their youthful king, and transport him out of the realm; and they declared that, however solicitous for peace, they would never so far forget themselves or their duty to their sovereign, as to remove that

1 Caligula, b. vi. 208. 6th January 1521-2. An original in the queen's hand. "And farther," says Margaret, "ye shall assure his grace, in my name, of my lord governor, that his mind is aluterlie to haif peace, and for the weill of this realme, without ony other thought or regard, and his coming here, is alanarlie to kepe his aith and promise, and for na other causs. And without his coming it had been impossibil to me to haf bidden in this realme."

governor whom they had chosen, and once more abandon the commonwealth to those miserable intestine divisions to which it had been exposed during his absence. Here it is our pleasure, said they, that he shall remain, during the minority of our sovereign, nor shall he be permitted or enjoined to depart from this realm, at the request of your grace, or any other sovereign prince whatever. And if, they concluded, "for this cause we should happen to be invaded, what may we do but trust that God will espouse our just quarrel, and demean ourselves as our ancestors have done before us, who, in ancient times, were constreyned to fight for the conservation of this realm, and that with good success and honour."[1]

Meanwhile, Angus, a fugitive on the English Borders, yet little trusted by Henry, grew impatient of his obscurity and inaction; and although still unreconciled to his wife, so far prevailed on her latent affection, as to induce her to intercede on his behalf with Albany, who, on the condition that he and his brother, George Douglas, should retire into a voluntary exile, consented that the process of treason and forfeiture should not be carried into execution against him. He accordingly passed into France, where he appears to have devoted himself to such studies as rendered him, on his return, a more formidable opponent than he had ever yet been.[2]

Whilst the estates replied in this spirited manner to the proposal of Henry, neither they nor the governor could shut their eyes to the injurious consequences of a war with England. Repose and good government were the only means by which their country, worn out by long intestine commotions, could revive; they were, indeed, once more the allies of France, and the French monarch, against whom the emperor and Henry had now declared war, was anxious by every method to employ their arms in his favour; but their eyes were now open to the sudden changes which were perpetually taking place in European politics, and they had not forgotten the facility with which, on a late occasion, Francis had abandoned their interests when they became incompatible with his own views of ambition. It was determined, therefore, to assemble an army, but to act on the defensive, and to make the best provision for the preservation of peace, by assuming the attitude of war.

To these calm and wise counsels, the violent conduct of Henry offered a striking contrast. He published a sentence of confiscation and banishment against all French and Scottish subjects who were resident in England, and insisted that the Scots should be driven from his dominions on foot, with a white cross affixed to their upper garments. He commanded the Earl of Shrewsbury to raise the power of the northern counties; and this leader, suddenly penetrating as far as Kelso, gave that beautiful district to the flames, but was repulsed with considerable loss, by the Borderers of Merse and Teviotdale. About the same time an English squadron appeared in the Forth, and, after ravaging the coast, returned without opposition to the Thames,—a proof that, during this calamitous minority, the naval enterprise of the Scots had declined. It was impossible, however, that these outrages, which might be only preludes to more serious hostilities, could be overlooked; and Albany having assembled a parliament at Edinburgh, it was resolved that war should be instantly declared against England. The young king, now in his eleventh year, was removed from the capital to Stirling castle, Lord Erskine, a peer of tried fidelity, being appointed his sole governor; and letters were issued for the array of the whole feudal force of the kingdom. At this moment, whether induced by the promises of Dacre, or actuated by that capricious mutability in her affection, which Margaret seems to have possessed in common with her brother Henry, the queen suddenly cooled in her attachment to the interests of the regent, and betrayed the

1 Rymer, Fœdera, vol. xiii. pp. 761, 763.
2 Lesley, p. 117. Pinkerton, vol. ii. p. 201.

whole secrets of his policy to the English warden; becoming an earnest advocate for peace, and intriguing with the chiefs and nobles to support her views.

It was now the period which had been appointed for the muster of the Scottish host, and Albany, at the head of a numerous and well-appointed army, eighty thousand strong, and with a formidable train of artillery, advanced towards the English Borders, and encamped at Annan. Neither party, however, were sincere or earnest in their desire of war. Henry wished to avoid it, from his anxiety to concentrate his undivided strength against France; the Scottish governor, from a conviction that a war of aggression, although favourable to the interests of Francis, was an idle expenditure of the public strength and the public money. On commencing hostilities, therefore, both belligerents appear to have mutually intimated the condition on which they considered that the war might be speedily concluded. Henry had so far altered his tone as to insist simply on the stipulation that the King of Scots should be placed in the hands of faithful guardians, without adding a word regarding the necessity of Albany's departure from the realm; whilst the regent declared that he was ready to stay the march of his army, under the single condition that France should be included in the treaty to be negotiated by the belligerents. The Scottish force, however, advanced to Carlisle; and as the flower of the English army was with their sovereign in France, a universal panic seized the northern counties, which seems to have communicated itself to the desponding despatches of Wolsey; but Dacre, who knew from the queen-dowager the aversion of the leaders to the war, and the pacific desires of the regent, immediately opened a correspondence with the governor, and, by a course of able negotiations, succeeded in prevailing upon him to agree to an abstinence of hostilities for a month, for the purpose of sending ambassadors into England. He then disbanded his army, without striking any blow of consequence.[1] It has been the fashion of the Scottish historians to arraign the conduct of Albany on this occasion, as singularly pusillanimous and inglorious; but a little reflection will convince us that the accusation is unfounded. It had been the advice of Bruce, a master in the art of Scottish war, from whose judgment few will be ready to appeal, that, in maintaining their independence, the Scots should abstain from any lengthened or protracted expedition against England; that they should content themselves with harassing the enemy by light predatory inroads, and never risk a pitched battle, which, considering the inferior resources of the country, might, even in the event of a victory, be ultimately fatal. By this counsel the regent was now wisely guided; and it ought not to be forgotten that the obstinate neglect of it, in opposition to the remonstrances of some of James's ablest commanders, had brought on the defeat of Flodden, and the subsequent calamities of the country. Dacre and Shrewsbury were indeed unprepared to meet the Scots with a force at all equal to that which they led against him; and had they been combating, as in the days of Bruce, for their national existence, it might have been a question, whether they ought not to have taken advantage of the opportunity, by wasting the country, in a rapid inroad; but now the circumstances were entirely changed. Albany, the queen, and the Scottish nobles, were all equally desirous of peace. Aware of the folly of sacrificing their country to the ambition of France, the peers had declared to Dacre, that "for no love, favour, or fair promises of the French king, would they in any wise attempt war against England, or invade that country:[2] nothing but Henry's command that they should dismiss the regent from the country, and submit to his dictation, having compelled them to

[1] Lesley, Bannatyne edit. p. 123. State Papers, p. 107. Wolsey to Henry the Eighth.

[2] Caligula, b. vi. 256, dorso. Instructions by the king's highness to Clarencieux king-at-arms.

take arms." From this demand he now departed. Dacre, in an altered tone, only stipulated that measures should be taken for the security of the young king; he promised an immediate truce, and to stay the advance of the English army; to command a cessation of all hostilities on the Borders, and to procure a safe conduct for the Scottish ambassadors to the court of England. It would have been unwise to have sacrificed such favourable terms to any idle ambition of conquest or invasion; and the writers who have accused the regent, on this occasion, of weakness and infatuation, must have given an imperfect examination to the peculiar and trying circumstances in which he was placed: whilst it appears, however, that the conduct of Albany was undeserving the severity of the censure with which it has been visited, it is not to be denied that Lord Dacre acted throughout with great political ability. I have digressed thus far in examining the conduct of the regent, because our more ancient historians have attributed the sudden peace to dissensions in the Scottish host, whilst Pinkerton, and those who have followed his steps, trace it solely to the pusillanimity of Albany, both opinions being founded, as it appears to me, on erroneous grounds.

On the dismissal of his army, Albany returned to the capital, and resumed the anxious labours of his regency: the queen, at the same time, with characteristic caprice, continued her private correspondence with Dacre, betraying the secrets of the governor, and thus enabling him to defeat his measures by sowing dissensions amongst the nobles; whilst the negotiations for continuance of the truce were brought to an abrupt termination by Henry's decided refusal to include France within its provisions. Nothing, indeed, could be more irksome or complicated than the duties which on every side pressed upon the governor. His engagements to France prompted him to hostilities with England; his own opinion, and his attachment to his nephew the king, convinced him that peace was to be preferred, for the best interests of the kingdom committed to his care: he had none beside him upon whom he could place implicit reliance in the discussion of state affairs, or the execution of his designs. Many of the nobles were corrupted by the money of England: if he attempted to punish or detect them, they rebelled; if he shut his eyes to their excesses, his indulgence was interpreted into weakness; and the queen-dowager, by the junction of whose party with his own he had so lately succeeded in putting his enemies to a precipitate flight, was not to be trusted for a moment.

It was, perhaps, the difficulties of his situation, and the impossibility of reconciling these various parties and interests, which now induced him to meditate a visit to France for the purpose of a conference with Francis the First, in which he was no doubt solicitous to vindicate what must have appeared to that monarch the culpability of his late inaction. About the same time the Earl of Shrewsbury, whose age incapacitated him for the activity of a military command, was removed, and Surrey, a nobleman of great vigour and ability, appointed chief warden of the Borders; whilst the Marquis of Dorset, and the experienced Dacre, acted under him as wardens of the east and west marches.[1] The governor now appointed a council of regency, which consisted of the Archbishop of Glasgow, chancellor, with the Earls of Huntly, Arran, and Argyle, to whom he added Gresolles, a French knight, much in his confidence; he bound them by oath to attempt nothing which should weaken his authority;[2] and promising to return within ten months, under the penalty of forfeiting his regency, he sailed for France, where he was received by the king with much respect and kindness.

1 Lesley, p. 123.

2 Caligula, b. ii. 327. Dacre to Wolsey. "The same lordes are bodely sworne, and oblisshed to do nothing contrary to the said duke's office of tutory unto his retourne."—31st October 1522, at Harbottle.

During his absence, the war, notwithstanding the assurances of Dacre, and the promises of Henry to preserve peace, continued to rage with undiminished violence on the Borders. The conduct of the English monarch, indeed, must have appeared intolerable to every one who contrasted it with his hollow professions of love to the person and government of his nephew.[1] Dorset, the warden of the east marches, with Sir William Bulmer, and Sir Anthony Darcy, made an incursion into Teviotdale, and sweeping through the country, left its villages in flames, and robbed it of its agricultural wealth. Surrey, who commanded a force of ten thousand men, broke into the Merse, reduced its places of strength, and afterwards assaulted Jedburgh, which he burnt to the ground, destroying, with sacrilegious barbarity, its ancient and beautiful monastery: Dacre reduced the castle of Fernyhirst, took prisoner the celebrated Dand Ker, a Border chief of great military skill, and afterwards led his host against Kelso, which, with the adjacent villages, he entirely sacked and depopulated. Yet Henry had but lately declared, by Clarencieux, whom, on the retirement of Albany, he had despatched into Scotland, that he considered the war unnatural, and was earnestly desirous to live at peace with his royal nephew.

It was scarcely to be expected that the intimation of such violent proceedings should not have incensed Albany; and, although out of the kingdom, and aware of the difficulty of persuading its divided nobility to any union, he determined to make a last effort to repel the insult offered to his government, and save the kingdom from being alternately wasted as a rebellious district, or administered as a province of England.[2] To this he was the more inclined, as the extreme cruelty with which the country had been wasted, had, for the moment, roused the resentment of the nobles; and anxious to profit by these feelings, the governor returned to Scotland with a fleet of eighty-seven small vessels and a force of four thousand foot, to which were added five hundred men-at-arms, a thousand hagbutteers, six hundred horse, of which one hundred were barbed, and a fine park of artillery.[3] It was reported he was to be followed by an illustrious pretender to the crown of England, Richard de la Pole. His claim as a descendant of a sister of Edward the Fourth, had been supported by Francis the First, and it was now, with the object of disturbing the government of England, espoused by Albany.[4]

On his arrival, the condition in which the regent found his affairs was far from encouraging. His former ally, the queen-dowager, had completely embraced the English interest, and was eagerly engaged in a negotiation with Dacre and Surrey, which threatened to change the whole aspect of affairs. It was proposed, with the object of flattering the princess, that her son, the young king, should solemnly assume the supreme power, whilst she, at the head of a council, should conduct the government; and the correspondence upon this subject, although at this moment not conducted to a favourable termination, was not long after resumed with complete success. When Albany looked to the nobles, he discovered that, although willing to assemble an army for the defence of the Borders, they were totally averse to an invasion upon a great scale, or to a war of continued aggression, in which they argued that, for the sole object of obliging France, they could gain nothing, and might hazard all; whilst, on turning to Sur-

[1] Pinkerton, vol. ii. p. 212. State Papers, p. 115. "Wherefore, my lords, the king's highness, my sovereign lord, bering tender zele to the good of peax, and specially with his derest nephew, and the Queen of Skotland hath sent me to know whether ye persever and continew in your vertuous intente and mynde towards the establissment of good peax betwix both the realms." Instructions to Clarencieux, an original corrected by the cardinal. Caligula, b. vi. 254. Ibid. 261.

[2] Letter of Wolsey to Sampson and Jerningham, 31st August 1523, in App. to Fiddes' Life of Wolsey, p. 137.

[3] Caligula, b. iii. 58. Copy of the Lord Ogle's letter.

[4] Carte, vol. iii. p. 55. State Papers, 122-125.

rey, the English commander, he found him with peace, indeed, upon his lips, yet, by his whole conduct, shewing a determination for immediate war. We know, by a letter of this stern leader to Wolsey, that he had resolved to conduct such an invasion as should lay waste the Scottish Border to the breadth of twelve miles, and reduce it for ever after to the state of an uninhabited desert.[1]

To these difficulties, which pressed him on every side, must be added the circumstance that the regent had little experience in the peculiar system of Scottish war, but had been trained in the military school of Italy; and that any designs which he attempted to form for the conduct of the campaign, were communicated to Surrey by the queen, whose conduct had made her contemptible in the eyes of both parties. With such complicated embarrassments, ultimate success could scarcely be expected; but, for the moment, Albany, whose coffers had been recently filled, and were liberally opened, found the venality of the Scottish nobles a sure ground to work upon; and even the queen, who at first had thoughts of retreating to England, was so dazzled by his presents, and won by his courtesies, that her allegiance to that country began to waver; nor did she scruple to inform the Earl of Surrey that Henry must remit more money, else she might be induced to join the French interest.[2]

It was of material consequence to the regent that hostilities should instantly commence, as the foreign auxiliaries were maintained at a great expense, and the dispositions of the nobility were not to be trusted for any length of time. A parliament was assembled without delay; a proclamation issued for an array of the whole force of the kingdom on the 20th of October; whilst Albany, surrounded by the principal nobles, made an imposing display of his foreign troops, exercised his park of artillery, harangued the peers upon the still unavenged defeat of Flodden, and joyfully received their assurances of attachment to his service, many falling on their knees, and with earnest protestations, declaring their readiness to obey his orders.[3] Nothing, however, was further from their intention; their secret determination, as the result soon shewed, was to decline a battle and not advance a step into England; whilst these hollow professions were merely used to secure the pensions which they were then receiving from France. For the selfishness and venality of such conduct, little excuse can be pleaded; and it is unfortunately too frequently to be found in the preceding and subsequent history of the Scottish aristocracy.

Meanwhile, all looked fair for the moment. On the day appointed, the army mustered in considerable strength on the Borough-muir, near Edinburgh. Argyle, indeed, delayed at Glasgow, for the purpose of assembling the Highlanders and Islesmen; the Master of Forbes did not hesitate to speak openly against the expedition; and Huntly, one of the most powerful of the peers, excused himself by feigning indisposition; yet a respectable force assembled, amounting, in effective numbers, to about forty thousand men, not including camp followers, which, on such occasions, were always numerous. With this army, Albany advanced towards the Borders; whilst symptoms of an early winter darkened around him, and his march was impeded by dragging his train of artillery through the rude and heavy roads of a country totally dissimilar from that in which they had been accustomed to act. The Scottish soldiers and their leaders became jealous of the foreign auxiliaries, who required much attendance and consumed the best of everything; whilst the towns and burghs complained of the necessity imposed on them to furnish transports for their baggage. Owing to

[1] Pinkerton, vol. ii. p. 217. Caligula, b. vi. 318-320.

[2] Pinkerton, vol. ii. p. 223. Caligula, b. vi. 380. The Queen of Scots to Surrey.

[3] Caligula, b. iii. 57. Sir William Eure to Surrey. Bedelston, 19th Oct. *Pinkerton*, vol. ii. p. 224.

these causes the march was slow, and indications of disorganisation early began to exhibit themselves.

Meanwhile tidings arrived that Surrey had assembled his host, which outnumbered Albany by a thousand men; whilst the confidence they expressed in their leader, and the unanimity and discipline by which they were animated, offered a striking contrast to their enemies. The whole army was eager to engage in hostilities; but, till Albany commenced an offensive war, it was reported that Henry's orders confined their commander to defensive operations. This last rumour appears to have revived amongst the Scottish peers their former indisposition to invade England, and suggested the notion that the war might be yet avoided. It happened that the celebrated Buchanan was at this moment a volunteer in the army; and the account of such an eye-witness is highly valuable. On arriving at Melrose, where a wooden bridge was then thrown across the Tweed, murmurs of discontent began to break forth, which all the entreaties and remonstrances of Albany could not remove; and these gathering force, soon proceeded to an open refusal to advance. It was with the greatest difficulty that the regent, putting himself at their head, prevailed upon part of the van of the army to cross the bridge; the rearward obstinately refused to follow;[1] and soon after, the divisions which had passed over turned their backs, and returned to the Scottish side. To struggle against such a determination was impossible; and Albany, disgusted and incensed with the treachery of men whose solemn promises were so easily forgotten, adopted perhaps the only other alternative, and encamping at Eccles, on the left bank of the Tweed, laid siege to Wark castle with his foreign troops and artillery. The description given by Buchanan of this Border fortress is valuable, as, with little variation, it presents an accurate picture of the Scoto-Norman castles of this period. It consisted of a high tower placed within an inner court, and surrounded by a double wall. The outer wall enclosed a large space, within which the country people in time of war sought refuge with their cattle; whilst the inner embraced a narrower portion, and was defended by a fosse and flanking towers. With their characteristic spirit and ready valour, the French easily carried the first court; but the English, setting fire to the booths in which they had stowed their farm produce, smoked the enemy out of the ground they had gained. The artillery then began to batter the inner wall, and effected a breach, through which the men-at-arms charged with great fury; and had they received support from the Scots, there is little doubt the fortress would have been stormed; but, on effecting a lodgement within the court, so destructive a fire was poured in upon them from the ramparts, shot holes, and narrow windows of the great tower, which was still entire, that it was difficult for such a handful of men to maintain their ground. The assault, nevertheless, was continued till night, and when darkness compelled them to desist, it was proposed to renew it next day.[2] But it was now the 4th of November, the winter had set in, and a night of incessant snow and rain so flooded the river, that all retreat was threatened to be cut off. The assaulting party, therefore, recrossed the Tweed with the utmost speed, leaving three hundred slain, of which the greater number were Frenchmen, and once more joined the main body of the army.[3]

While these events occurred, Surrey was at Holy Island; and, on hearing of the attack on Wark castle, he issued orders for his army to rendezvous at Barmore Wood, within a few miles of Wark. The news of his speedy approach confirmed the Scottish nobles in their determination not to risk a battle. So completely had the majority of them been corrupted by the

[1] Buchanan's Hist. of Scotland, b. xiv. c. xxii.

[2] Caligula, b. vi. 304-306. Surrey to the King.

[3] Buchanan, book xiv. c. xxi. xxii. Lesley, Bannatyne edit. p. 125.

money and intrigues of Dacre and the queen-dowager, that Albany did not venture to place them in the front; but, on his march, formed his vanguard of the French auxiliaries,—a proceeding rendered the more necessary by the discovery of some secret machinations amongst the peers for delivering him, if he persisted in urging hostilities, into the hands of the enemy.[1] To attempt to encounter Surrey with his foreign auxiliaries alone, would have been the extremity of rashness; and to abide the advance of the English earl with an army which refused to fight, must have exposed him to discomfiture and dishonour. Under such circumstances, the regent, whose personal courage and military experience had been often tried on greater fields, adopted, or rather had forced upon him, the only feasible plan which remained. At the head of his artillery and foreign auxiliaries, the single portion of the army which had behaved with spirit, he retreated to Eccles, a monastery six miles distant from Wark; and, little able or anxious to conceal his contempt for those nobles who, almost in the presence of the enemy, had acted with so much faithlessness and pusillanimity, he permitted them to break up and disperse amid a tempest of snow,—carrying to their homes the first intelligence of their own dishonour.[2] Such was the result of that remarkable expedition which a historian, whose opinion has been formed upon imperfect evidence, has erroneously represented as reflecting the utmost disgrace upon the courage and conduct of Albany. When carefully examined, we must arrive at an opposite conclusion. The retreat of Albany is only one other amongst many facts, which establish the venality and selfishness of the feudal aristocracy of Scotland, and the readiness with which they consented, for their own private ends, to sacrifice their individual honour and the welfare of the country. Nor, in this point of view, is it unimportant to attend to some remarkable expressions of Surrey, which occur in a letter addressed to his sovereign. They furnish not only an instructive commentary on Henry's alleged anxiety for the welfare of the kingdom of his nephew, but demonstrate the folly of those ideas which, it is probable, guided some of the Scottish leaders,—that an abstinence from hostilities upon their part would be attended by a corresponding moderation on the side of Surrey. That earl observes, that in this expedition he had so much despoiled the south of Scotland, that seven years would not repair the damage;[3] whilst he estimates the English losses sustained by the presence of Albany's army at ten pounds.

On his return to the capital, the governor assembled a parliament, of which the proceedings were distracted by mutual accusations and complaints. The peers accused the regent of squandering the public treasure, although the greater part of the money which he had brought from France had found its way in the shape of pensions into their own coffers, or had been necessarily laid out in the support of the foreign auxiliaries. They insisted on dismissing the French troops, whose further residence was expensive; and, notwithstanding the inclement season of the year, compelled them to embark,—an ungenerous proceeding, which led to the wreck of the transports on the shores of the Western Isles, and the loss of great part of their crews.[4] To Albany, such conduct was mortifying in the extreme; it convinced him that every effort must fail to persuade such men to adopt the only line of conduct which was likely to render the government respected, and to free the country from the dictation of England. He determined, therefore, once more to retire to

[1] Caligula, b. i. 281. Queen Margaret to Surrey, Stirling, 14th November 1523.

[2] Buchanan, b. xiv. c. xxii. p. 228. Ellis's Letters, vol. i. First Series, p. 234. Lord Surrey indulges in somewhat unnecessary triumph on Albany's cowardice and fear in this retreat—as if a general could fight when his officers and soldiers are in mutiny.

[3] "And hath made suche waste and spoil in his own countre, that they shall not recover these seven years."—Surrey to Henry the Eighth. Belford. Caligula, b. vi. p. 306.

[4] Caligula, b. i. 5. Dacre to Wolsey. Morpeth, 28th January.

France; and, in a conference with the nobility, requested three months' leave, in which he might visit that kingdom, and discover what further assistance might be expected from the French king in carrying on the war with England. His demand, after much opposition, was granted, under the condition that, if he did not return on the 31st of August, the league with France and his own regency should be considered at an end:[1] but the various advices and injunctions to which he desired their attention in his absence were received with much distrust, the queen-mother declaring that, if he left the kingdom, she must needs act for herself, and the barons replying in nearly the same terms. A loan of forty thousand crowns was positively refused him, and the lords consented with an ill grace to the high and confidential office of treasurer being given, during his absence,[2] to Gresolles, the same knight who had been added to the council of regency in 1522. These arrangements being completed, and having prevailed on the parliament to intrust the keeping of the king's person to the Lords Cassillis, Fleming, Borthwick, and Erskine, he took an affectionate leave of his youthful sovereign, and sailed for the continent, committing the chief management of affairs to the chancellor, with the Bishop of Aberdeen, and the Earls of Huntly and Argyle.[3] On quitting the kingdom, Albany asserted that his absence would not exceed three months; but it is probable that his repeated reverses in a thankless office had totally disgusted him, both with Scotland and the regency, and that, when he embarked, it was with the resolution, which he fulfilled, of never returning to that country.

CHAPTER VIII.

JAMES THE FIFTH.

1524—1528.

FOR the last two years the Earl of Angus, who had formerly shewn himself so cordial a friend of England, had resided in France, whence Henry the Eighth, desirous of employing him in his designs for embroiling the government of Albany, had secretly called him into his dominions. It was now esteemed the moment when his presence in Scotland might once more reinstate the English faction, which had been long gaining strength, in undisputed power; and the earl, whose foreign residence had increased his experience and talent, but not improved his patriotic feelings, at once lent himself to the projects of Henry. During his banishment, he had corresponded with that monarch; although an exile, he had made himself master of the political divisions and intrigues by which the kingdom was distracted; and having agreed upon his plan of operations, he accelerated his preparations for his return to his native country. Before, however, this project could be put into execution, the departure of the regent had given rise to a revolution, which, for a season, totally changed the aspect of public affairs. In this the chief actors were

[1] Ellis's Letters, vol. i. p. 247, First Series.

[2] Lord Dacre to Cardinal Wolsey, 31st May 1524. Ellis's Letters, vol. i. p. 240, First Series.

[3] Lesley, p. 128.

Margaret the queen-dowager and the Earl of Arran, whilst its sudden and startling success seems to prove that the project had been gradually matured, and only waited for the departure of Albany to bring it into effect. The young king had now entered his thirteenth year, and already gave promise of that vigour of character which afterwards distinguished him. His mother, no longer controlled by the presence of a superior, determined to place him upon the throne; a scheme which, by the assistance of England, she trusted might be easily accomplished; whilst Henry was ready to lend himself to the design, from the persuasion that the royal power, though ostensibly in the king, would be truly in the hands of a council overruled by England. Surrey therefore remained in the north to overawe any opposition by the terror of an immediate invasion; and Margaret, having gained to her interest the peers to whom the person of the sovereign had been intrusted, suddenly left the palace of Stirling, and, accompanied by her son and a small retinue, proceeded to Edinburgh, which she entered amid the joyful acclamations of the populace. The procession, which, besides the queen-mother and her train, consisted of the Earls of Arran, Lennox, Crawford, and others of the nobility, moved on to the palace of Holyrood, where a council was held, the king declared of age, and proclamations instantly issued in his name. He then formally assumed the government, the peers tendered their oaths of allegiance, and many, as well of the spiritual as temporal estate, entered into a solemn agreement, by which they abjured the engagements which had been made to Albany, declared his regency at an end, and promised faithfully to maintain the supreme authority of their sovereign against all who might dare to question it.[1]

Against this extraordinary act, of which the real object on the part of Henry could not be concealed, and over which the capricious character of the queen, alternately swayed by the most violent resentments or partialities, threw much suspicion, the only dissentient voices were those of the Bishops of St Andrews and Aberdeen. They contended that to confer the supreme power upon a boy of twelve years old was ridiculous; that to remove him from the governors to whom his education had been intrusted, and plunge him at once in his tender years into the flatteries and vices of a court, must be certain ruin; and they reminded the nobles of their promises so lately pledged to the Duke of Albany, to whom the regency at this moment unquestionably belonged. For this bold and honest conduct they were by the queen's party immediately committed to prison; nor could the offer from Wolsey of a cardinal's hat induce Beaton to renounce his promises to Albany, or become the tool of England.[2] The news of the success of this revolution, which in its rapidity had anticipated the wishes of Henry, was received with the utmost satisfaction in England.[3] A guard of two hundred men-at-arms was immediately sent by that monarch, at the queen's request, for the security of the person of the young king; whilst, as a token of his complete approval of her conduct, and an earnest of future favours, Margaret received a present of two hundred marks, and Arran a hundred pounds. In return, she earnestly remonstrated against Henry's permitting the return of Angus into Scotland, not without a threat that, should her request be overlooked, she would find another support than that

[1] Pinkerton, vol. ii. p. 238. Lesley, p. 129. Caligula, b. vi. 378. Profession of obedience by the Lords of Scotland. Edinburgh, 31st July 1524.

[2] Pinkerton, vol. ii. p. 241. Caligula, b. vi. 353. Wolsey to the Duke of Norfolk. Hampton Court, August 19, 1524.

[3] State Papers, p. 150. The letter written to Henry in the name of the young king, informing him of his assumption of the government, was sent by Patrick Sinclair, whom Wolsey denominates a right trusty servant of James, and at the same time describes as a spy of Dr Magnus, and a constant friend of England. Such was the character of this revolution. George Shaw, another personal servant of James, was a spy of Norfolk.—Norfolk to Wolsey, 19th September 1524. Caligula, b. vi. 362, dorso.

of England. She demanded, at the same time, a pension and the order of the garter for Arran, and declared that without greater supplies it would be impossible for her to defray the charges of the government.

In the meantime a full account of these changes was transmitted by Gresolles, the captain of Dunbar, to the Duke of Albany, and a truce having been concluded for three months with England, it was determined that Dr Magnus, a person of great acuteness and diplomatic experience, should proceed as ambassador to Scotland. He was accompanied by Roger Ratcliffe, a gentleman of the privy chamber, whose agreeable and polished manners would, it was expected, have a favourable influence on the young king.

In the midst of these transactions, the sincerity of the queen became suspected. Her late demands were considered too peremptory and covetous, and the countenance shewn to Angus at the English court in no small degree alienated her affections from her brother; nor was her personal conduct free from blame. With a volatility in her passions which defied the voice of reproof or the restraints of decency, she had now become enamoured of Henry Stewart, the second son of Lord Evandale, and in the ardour of her new passion, raised him to the responsible office of treasurer. The people had hitherto regarded her with respect, but they no longer restrained their murmurs: Lennox and Glencairn, who had warmly supported her in the late revolution, left the capital in disgust; and Arran, who had never ceased to look to the regency of Scotland as his right, and in whose character there was a strange mixture of weakness and ambition, though he still acted along with her, held himself in readiness to support any party which promised to forward his own views.

Whilst this earl and the queen continued to receive the money of England for the support of the guards and the maintenance of their private state, they deemed it prudent to open a negotiation with Francis the First, then engaged in preparations for his fatal expedition into Italy. That monarch received their envoy with distinction; professed his anxiety to maintain the ancient alliance between the kingdoms; reminded them of the intended marriage between the Scottish king and his daughter, and declared that Angus having secretly escaped from his dominions, without asking his permission or that of Albany, was undoubtedly animated by hostile intentions, and ought to be treated as a fugitive and a rebel.[1] He addressed also a letter to the queen, in which he besought her to adopt such measures as must secure the true interests of her son. But Margaret's blinded attachment to Henry Stewart, upon whose youth she had now bestowed the high office of chancellor, and Arran's devotion to his own interests, effectually estranged from both the attachment of the nobles, who found themselves excluded from all influence in the government. They indeed, as well as the queen, were in the pay of England; and to such a degree of organisation had the system of bribery and private information been carried, that whilst the Duke of Norfolk maintained his spies even in the palace of the king, the original correspondence of the period presents us with the exact pensions allowed to the Scottish adherents of the English court, from the queen and Arran to the lowest agent of this venal association.[2] Amongst the principal were Arran, Lennox, and the Master of Kilmaurs, afterwards Earl of Glencairn, a nobleman who thus early began to make a profitable trade of his attachment to England. The faction, however, contained within itself the seeds of its disunion; for whilst the queen and Arran dreaded the power of Angus, and warmly remonstrated against his return, the peers of the party who found themselves neglected in the administration looked to this event as the most probable means of

[1] Caligula, b. vi. 411. Instructions à l'ambassadeur du Roy d'Escosse.

[2] Pinkerton, vol. ii. p. 246. Caligula, b. i. 70. Robert Lord to the Lord Cardinal. Ibid. 222.

recovering the importance which they had lost. It was in this state of things that Wolsey, who began to find that Margaret and Arran would not be sufficiently subservient to England, entered into a secret agreement with Angus,[1] in which that peer, on condition of his being permitted to enter Scotland, stipulated to support the English interest in that country and the government of James, equally against the open hostility of Albany, and the intrigues of the faction of the queen, which, from the venality and insolence of its measures, seemed to be rapidly hastening its ruin. An attempt was first made to reconcile Margaret to her husband, which completely failed; and symptoms appearing of a coalition between the party of Albany and that of Arran and the queen, Angus was no longer detained by Henry; but, after an exile of two years, with increased ambition and exalted hopes, he returned to his native country. At the same time, the English ambassadors, Dr Magnus and Ratcliffe, arrived at the capital; and a complicated scene of intrigue and diplomacy commenced, into the minuter particulars of which it would be tedious to enter.

The scene which presented itself was indeed pitiable. It exhibited a minor sovereign deserted by those who owed him allegiance and support, whilst his kingdom was left a prey to the rapacity of interested councillors, and exposed to the attacks of a powerful neighbour, whose object it was to destroy its separate existence, and reduce it to the condition of a dependent province.

When we look more narrowly into its condition, we find that three great parties or factions at this moment distracted the minority of James. The first was that of Albany the late regent, supported by the influence of France, and conducted during his absence by the talents and vigour of the Chancellor Beaton; of the second, the leaders were the Earl of Arran and the queen-mother, in whom the present power of the state resided, and who possessed the custody of the king's person; whilst at the head of the third was Angus, who had sold himself to the English government. The secret treaty, however, between this peer and Henry, was unknown in Scotland; and so great was the affection of the people for the house of Douglas, with whose history they associated so much chivalrous enterprise and national glory, that on his arrival in his native country, he was received by all ranks with joy and enthusiasm. Meanwhile Wolsey's jealousy of the Queen of Scots became confirmed, when he found that the Bishop of Aberdeen and the Chancellor Beaton were set at liberty, and perceived the party of Albany once more rising into a dangerous importance.

Such was the state of affairs on the arrival of Angus in Scotland, and his improvement in judgment was seen by the moderation of his first measures. He addressed to the queen a submissive letter, professing his attachment to his sovereign, and his anxiety to do him service; he abstained from shewing himself at court; and, although able to command an army of vassals, he travelled with a modest retinue of forty horse, in obedience to an order of the government. These quiet courses, however, produced no effect on Margaret, whose ancient love to Angus had long before this turned into determined hatred, whilst, with a contempt of all decency, she made no secret of her passion for Henry Stewart, intrusting to his weak and inexperienced hands the chief guidance of affairs. Magnus, the English ambassador, attempted, but with equal want of success, to effect a reconciliation between her and her husband. The continuance of the pensions, the support of the English guard of honour, the present of a considerable sum for the exigencies of the moment, and lastly the promise of a matrimonial alliance between her son and the princess Mary, were artfully held out as inducements to consent to a pacification and to

[1] Caligula, b. vi. 395. Articles of Agreement, dated October 4, 1524; signed by Angus, and his brother George Douglas.

abandon her opposition to Angus. Margaret was immovable, and, avowing her venality, she did not scruple to assign as her chief motive, that in the event of a treaty of peace with England, the kingdom, by which we may understand herself and Arran, would lose the annual remittance of Francis, which amounted to forty thousand francs.[1] Thus thwarted in his application to the queen, Magnus, who, in the complicated parties and interests by which he was surrounded, required the exertion of his whole diplomatic talents, began to sound the peers, and not only found that there was no insurmountable impediment to the reconciliation of Angus and Arran, but that even Beaton the chancellor, the leader of the party of Albany, evinced, though we may suspect his sincerity, no unfavourable disposition to England.[2] The late regent's continued absence in France, and the vanity of expecting any active co-operation from the French monarch, then occupied with his campaign in Italy, had greatly weakened the influence of Albany, and the great body of the nobility detested the government of the queen. It was determined, therefore, that a sudden blow should be struck, which might at once punish her obstinacy, and insure the pre-eminence of the English interest.

[1] Caligula, b. i. 285-290 inclusive. The Queen of Scots to the Duke of Norfolk. Pinkerton, vol. ii. p. 248.

[2] Caligula, b. vi. 333. Dr Magnus and Roger Ratcliffe to Wolsey. Edinburgh, 15th November. In this letter there is a fine description of James V. when a boy of thirteen: —"The quenes saide grace hath had vs furth to solace with the kingges grace here, at Leeth and in the feildes, and to see his saide grace stirre his horses, and renne with a spere amongges other his lordes and seruauntes at a gloove, and also by the quenes procuring we haue seen his saide grace vse hym selff otherwise pleasauntly booth in singging and daunsing, and shewing familiaritye amongges his lordes. All whiche his princely actes and doingges be soe excellent for his age not yet of xiii. yeres till Eister next, that in our oppynnyons it is not possible thay shulde be amended. And myche moore it is to our comforte to see and conceiue that in personnage, favor, and counteuaunce, and in all other his procedingges, his grace resembleth veray myche to the kingges highnes [Henry VIII.] our maister."

A parliament having assembled at Edinburgh, the distracted condition of the government, and the expediency of an immediate embassy to England preparatory to a general peace, came before the three estates. In one measure all parties seemed to agree. Albany's regency, in consequence of his continued absence, was declared at an end, and a committee of regency appointed. It consisted of the Chancellor Beaton, the Bishop of Aberdeen, and the Earls of Arran and Argyle, whilst, apparently to lull the suspicions of the queen, she was declared chief in this council. Such was the state of matters, and the parliament had now sat for a week, when, on the 23d of November, before daylight, an alarm was heard at the walls of the capital, and a party of armed men, fixing their scaling-ladders on the parapet, made good their entrance into the town, after which, with shouts and acclamations, they opened the gates to their companions. It was now discovered that this force, which amounted only to four hundred men, was led by the Earls of Angus and Lennox; Scott of Buccleuch, the Master of Kilmaurs, and other chiefs, had joined them; and as daylight broke they advanced fearlessly to the cross, and proclaimed that they came as faithful subjects to the king's grace; they next proceeded to the council of regency, which had assembled in great alarm, and repeating the same assurance, declared that the young king was in the hands of evil-disposed persons, who were compassing their ruin and that of the whole nobility; wherefore they required them to assume the custody of their monarch, and exercise the chief rule in the government.[3] During these proceedings the castle, which was in the hands of the queen's party, began to open its fire upon the town with the object of expelling Angus; and in the midst of the thunder of its artillery, and the shouts of the infuriated partisans, a deputation, consisting of the Bishop of Aber-

[3] Magnus and Roger Ratcliffe to the Lord Cardinal. Edinburgh, 26th Nov. Cal. b. i. 121. Lesley, p. 131.

deen, the Abbot of Cambuskenneth, and Magnus, the English ambassador, hurried to the palace, where they found the queen, and some lords of her party, denouncing vengeance against Angus, and mustering a force of five hundred men, with which they proposed to assault him. On their arrival Margaret consented to receive the bishop and his associate, but she peremptorily ordered Magnus to begone to his lodging, and abstain from interfering in Scottish affairs,—a mandate which that cautious civilian did not think it prudent to disobey. Meanwhile the fire of the fortress continued, and the peaceful citizens fell victims to the unprincipled efforts of two hostile factions. The conduct of Angus, however, was pacific; his followers abstained from plunder; no blood was shed, although they met with various peers with whom they were at deadly feud; and upon a proclamation, commanding him, in the king's name, to leave the city, he retired to Dalkeith towards dusk. After dark the queen, taking with her the young king, proceeded by torchlight to the castle, and dismissing all the lords except Moray, who was devoted to the French interest, shut herself up in the fortress, and meditated some determined measures against her enemies.[1] Although there is no decisive evidence of the fact, there appears a strong presumption that this attack upon the queen was preconcerted by English influence, and probably not wholly unexpected by Beaton the chancellor. Magnus indeed, in writing to the cardinal, represents it as unlooked for by all parties, but there exists a letter from the Earl of Rothes, which seems to throw a doubt upon the sincerity of his ignorance.[2] It was probably a contrivance of the chancellor to try the strength and judgment of Angus, and its consequences were important, for it led to a coalition between this potent prelate, generally esteemed the richest subject in Scotland, and the Douglases, whose extensive possessions and vassalage placed them at the head of the Scottish aristocracy.

Alarmed at so sudden a turn of affairs, the queen and Arran hastened to appease Henry by an embassy, of which the purpose was to treat of an immediate pacification, upon the basis of the proposed marriage between the young king and the princess Mary.[3] As a further means of accomplishing this, Marchmont herald was despatched to France, with the announcement that the regency of Albany had been formally declared at an end, and a remonstrance was addressed to Francis against the injurious consequences which too steady an attention to his interests had brought upon the commerce of Scotland.[4] These measures, if adopted some time before this, might have been attended with the recovery of her influence by the queen; but they came too late; their sincerity was suspected; and although Margaret continued to retain possession of the king's person, whom she kept in the castle of Edinburgh, the Earl of Angus and the chancellor Beaton already wielded an equal if not a superior authority, and had succeeded in attaching to themselves not only the great majority of the nobility, but the affections of the citizens; they were supported also by the English influence; and it became at length evident to the haughty spirit of the queen, that to save the total wreck of her power in Scotland, she must consent to a reconciliation with her husband, and a division of the power which she had abused, with those

[1] The letter above quoted, in which Magnus and Ratcliffe give an account of this affair, is interesting and curious. "The queen's grace taking with her the young king, her sonne, departed in the evening by torchlight from the abbey to the castell, and ther contynueth, all the lordes being also departed from hence, but only the Erle of Murray fully of the Frenche Faction, and newly comen into favor with the queen's said grace; and as we her, the said erle, and one that was the Duke of Albany's secretary, begyne to compass and practyse newe thynges as muche to the daunger of the said younge kinge as was at the Duk of Albany's being here." Caligula, b. i. 121, dorso

[2] Pinkerton, vol. ii. p. 254. Caligula, b. i. 81.

[3] Caligula, b. vi. 191, dorso.

[4] Epistolæ Reg. Scot. i. 351-356.

who were entitled to a share in the government.

The situation of the country, which was the theatre of constant rapine and assassination, called loudly for a settled administration; the nation were disgusted with the sight of two factions who fulminated against each other accusations of treachery and rebellion, Such was the prodigality of the queen, who squandered the royal revenues upon her pleasures, that when the English monarch withdrew the pensions which had hitherto supported her administration, and recalled the guard which waited on the sovereign, the necessities of the state became urgent, and the palace and the court were left in poverty. Under such circumstances, it was absolutely necessary that some decisive step should be adopted by Angus and the chancellor; and in a meeting of the principal lords of their party, held at St Andrews, a declaration was drawn up which called upon all who were interested in the good of the common weal to interfere for the establishment of its independence and that of the young king. They represented the sovereign as imprisoned by an iniquitous faction in an unhealthy fortress, exposed to the unwholesome exhalations of the lake by which it was surrounded, and incurring additional danger from the reiterated commotions of the capital.[1] They protested that no letters or orders of the king ought to be obeyed until promulgated by a council chosen by the parliament, and they summoned a convention of the three estates to meet on the 6th of February, at Stirling.

These were bold measures; but the queen determined to make yet one effort for the confusion of her enemies. She appealed to England, flattered Henry by a pretended acquiescence in his designs, urged the accomplishment of the marriage between her son and the princess, and earnestly requested the advance of the Duke of Norfolk with ten thousand men to the Borders; she next assembled the few peers who remained with her in the castle, expatiated on the arrogance of their opponents, and implored them to raise their followers, and give battle to the enemy; but Henry suspected her sincerity, the peers dreaded the insolence of her new favourite, Henry Stewart; and she discovered, with the deepest mortification, that from neither could she expect anything like cordial support. She submitted, therefore, to the necessity of the case, and agreed to a conditional reconciliation with her husband,[2] the terms which she was permitted to dictate being more favourable than from her dependent situation might have been expected. Her first stipulation evinced the inveteracy of her feelings against Angus, who, upon pain of treason, she insisted should not assume any matrimonial rights, either over her person or her estate; the king, her son, she agreed to remove from the castle to a more salubrious and accessible residence in the palace of Holyrood; the custody of his person was to be intrusted to a council of peers nominated by the parliament, and over which the queen was to preside;[3] the patronage of all the highest ecclesiastical benefices was to belong to a committee of the nobles, amongst whom Margaret was to be chief, whilst all benefices below the value of a thousand pounds were to be placed at her sole disposal. Upon these conditions the pacification between the two parties was concluded, and Angus, supported by the chancellor Beaton, who was now the most influential man in Scotland, resumed his authority in the state.

Magnus, the acute minister of Henry, had from the first suspected the sin-

[1] Caligula, b. vi. 394. Articles concluded between my Lord Cardinal's Grace and the Earl of Anguish. 25th January 1524, *i.e.*, 1524-5. It commences thus:—"We dou you to witt, that for as mekill as it is understandin be the weill avisit lordis of oure soveran lordis counsaill, they seand daily slaughteris, murtharis, reiffis, theftis, depredationis, and heavy attemptates that ar daily and hourly committit within this realme in falt of justice, our soveran lord beand of less age," &c.

[2] Magnus to Wolsey. Edinburgh, 22d Feb. 1524-5. Caligula, b. ii. 59-61. Lesley, p. 132.

[3] Acts of the Parliament of Scotland, vol. ii. p. 289. 22d Feb. 1524-5.

cerity of the queen, and within a short period her duplicity was completely detected.[1] The very day on which the agreement with the peers and her husband was concluded, she opened a secret negotiation with Albany, acknowledged his authority as regent, professed a devotion to the interests of France, denounced as ignominious the idea of a peace with England, declared that she would leave Scotland sooner than consent to a sincere reconciliation with Angus, and eagerly requested the interest of Francis and Albany to accelerate at the Roman court her process of divorce. For such conduct, which presented a lamentable union of falsehood and selfishness, no apology can be offered; and it is satisfactory to find that it met with its reward in almost immediate exposure and disappointment. Her letters were intercepted and transmitted to England, and the French monarch long before they could have reached him was defeated and made prisoner in the battle of Pavia.[2]

A minute account of the continued plots and intrigues which for some time occupied the adverse factions would be equally tedious and uninstructive. Nothing could be more unhappy than the condition of Scotland, torn by domestic dissension, exposed to the miseries of feudal anarchy, with a nobility divided amongst themselves, and partly in the pay of a foreign power; a minor monarch, whose education was neglected, and his caprices or prepossessions indulged that he might be subservient to his interested guardians; a clergy, amongst whom the chief prelates were devoted to their worldly interests; and a people who, whilst they groaned under such manifold oppressions, were yet prevented by the complicated fetters of the feudal system from exerting their energies to obtain redress. All was dark and gloomy, the proposal of a lengthened peace with England, and a marriage between the king and the princess Mary, appeared to be the single means which promised to secure anything like tranquillity; and this measure, if guarded so as to prevent a too exclusive exertion of foreign influence, might have been attended with the happiest results; yet such was the infatuation of the queen-mother, that she gave the match her determined opposition, and, by her influence with her son, implanted an aversion to it in his youthful mind.

It was not to be expected that the characteristic impetuosity and haughtiness of Henry should brook such conduct, and he addressed to his sister a letter so replete with reproaches, that, on perusing it, she burst into tears, and bitterly complained that the style of the king was more fit for some vulgar railer, than to be employed by a monarch to a noble lady.[3] Yet, terrified by its violence, and convinced that her partisans were gradually dropping away, she replied in a submissive tone. So deep, indeed, were her suspicions of Angus and the chancellor, with whom she had lately entered into an agreement, that she refused to trust her person in the capital, where her presence in a parliament was necessary as president of the Council of State; and as the recent truce with England could not be proclaimed without her ratification, the country was on the point of being exposed to the ravages of Border war. It was, therefore, determined that the deed should be effectual without this solemnity, and, irritated by this last indignity, she attempted a secret negotiation with the queen-mother of France, who, upon the captivity of her son in the battle of Pavia, had succeeded to the regency. Even this resource failed her, for by this time Wolsey had quarrelled with the emperor, and according to those selfish views by which his public policy was often directed, had prevailed upon his royal master to conclude a treaty with France,—a deathblow to the hopes of the Scottish queen, and the prospects of the French faction. In the proceedings of the same parlia-

[1] Caligula, b. ii. 61.

[2] Caligula, b. vi. 416. A packet of letters sent from the Duke of Albany to his factor at Rome intercepted within the Duchy of Milan.

[3] Caligula, b. vii. 3. Letter of Magnus to Wolsey, Edinburgh, 31st March.

ment there occurs a strong indication of the increase of the principles of the Reformation; and we learn the important fact that the books of Luther had made their way into Scotland, and excited the jealousy of the Church. It was enacted that no merchants or foreigners should dare to bring into the realm, which had hitherto firmly persevered in the holy faith, any such treatises, on pain of imprisonment and the forfeiture of their ships and cargoes; and it was enjoined that all persons who publicly professed such doctrines should be liable to the same penalties.[1]

An embassy now proceeded to England, a truce of three years was concluded; and whilst the queen-mother retained merely a nominal authority, the whole of the real power of the state gradually centred in Angus and the chancellor. A feeble attempt was indeed made by Arran to prevent by force the ratification of the truce; and for a moment the appearance of a body of five thousand men, which advanced to Linlithgow, threatened to plunge the country into war; but the storm was dissipated by the promptitude of Douglas. Taking the king along with him, and supported by the terror of the royal name, he instantly marched against the rebels, who, without attempting to oppose him, precipitately retreated and dispersed.[2]

At this moment the country, so long distracted by the miseries of Border war and internal anarchy, enjoyed something like a prospect of tranquillity. A pacification of three years had been concluded with England;[3] and this was an important step towards the marriage which had been lately contemplated between the young king and the princess Mary. The alliance between England and France had destroyed, for the moment, the French party in Scotland, and removed that fertile source of misery which arose to that country out of the hostilities of these great rivals; the anxiety of Henry to accomplish a reconciliation between Angus and his sister the queen was sincere; and if Margaret had consented to a sacrifice of her private feelings, it would have probably been attended with the best effects. Magnus, whose prolonged residence in the capital as the envoy of England was disliked by the people, had, by his departure, removed this cause of enmity; and the able Lord Dacre, whose intrigues for so many years had sown disunion and treachery amongst the nobles, and defeated every exertion of the well-affected to promote peace and good government, was removed by death from the stormy element in which he had presided.[4]

Everything, therefore, seemed to promise repose; but this fair prospect was defeated by the obstinacy of the queen-mother, and the towering ambition of Douglas. Blinded by her attachment to Stewart, Margaret would not for a moment listen to the proposal of a reunion with her husband; and he, who desired it not from any affection, but with the motive of possessing himself of her large estates, renounced all desire of reconciliation the moment he discovered that the council would withhold their consent from such a project. The divorce accordingly was pronounced with that mischievous facility which marked the prostitution of the ecclesiastical law; and scarcely was the sentence passed when Margaret precipitately wedded her paramour, Henry Stewart, who disdained to ask the consent of the king, or to communicate the event to his chief ministers. Incensed at this presumption in

[1] Acts of the Parliament of Scotland, vol. ii. p. 295.

[2] Pinkerton, vol. ii. p. 271. Lesley, p. 133.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 296, 297.

[4] This able and busy lord, whose MS. correspondence, first opened by the acute Pinkerton, presents the most interesting materials for the history of this period, is entitled to the equivocal merit of being the inventor of that policy which was afterwards carried to perfection by the sagacious Burleigh under Elizabeth: the policy of strengthening the government of his sovereign by the organised system of corruption, bribery, and dissensions, which he encouraged in the sister kingdom; he died 25th October 1525. Pinkerton informs us the estates of Dacre afterwards passed by marriage to the Howards, earls of Carlisle. It is possible, therefore, that in the papers of that noble house, there may be some of Lord Dacre's manuscripts.

an untitled subject, the lords of the council, in the name of the king, sent Lord Erskine with a small military force to Stirling, where the queen resided; and the princess was compelled to deliver up her husband, who submitted to the ignominy of a temporary imprisonment.[1]

Hitherto the great object of Angus had been to accomplish a reconciliation with the queen, and, possessing her influence and estates, with the custody of the king's person, he thus hoped to engross the supreme power. This scheme was now at an end, and its discomfiture drove him upon new and more violent courses. His authority in the capital, and throughout the whole of the south of Scotland, was immense; since the marriage of the queen, he had effected a union with Arran and his adherents,—a party which, in feudal dignity and vassalage, was scarcely inferior to his own; he was warden of the marches, an office of great authority; and his place as one of the council of state gave him, according to the act of a recent parliament, a command over the person of the young king, which he had employed with great success to win his boyish affections. The party of Albany had gradually disappeared; the queen since her marriage had fallen into contempt: Lennox, one of the most powerful of the peers, had become a firm ally of Angus; and nothing but the authority of the secret council, which resided chiefly in the Chancellor Beaton, stood between the earl and the entire command of the state. In these circumstances, an artful stroke of Douglas's enabled him at once to reach the summit of his ambition.

The king had now completed his fourteenth year, a period when, by the law of the country, his majority as an independent sovereign commenced. The event took place in April, and between this period and the month of June, Angus appears to have matured his plans. On the 13th of that month, a parliament assembled at Edinburgh, and an ordinance was suddenly passed which declared that the minority of the sovereign was at an end; that the royal prerogative now rested solely in the hands of the king, who had assumed the government of the realm, and that all other authority which had been delegated to any person whatever was annulled;[2] a measure against which, as it was founded apparently on the most substantial legal grounds, neither the chancellor nor the secret council could protest, but which in one moment destroyed their power. But although the statute which gave the powers of the government to the secret council was annulled, the act of the three estates, which intrusted the keeping of the king's person to certain peers in rotation, remained in force,—of these, Angus was one; and this crafty statesman had taken care to convene the parliament at the precise time when, by a former act, it belonged to himself and the Archbishop of Glasgow to assume the guardianship of the king, so that this new resolution of the three estates evidently placed the supreme power in the hands of him who had the custody of the sovereign. It was an able stroke of policy, but it could not have occurred under any other than a feudal government.

To mask this usurpation, a new secret council was appointed, consisting chiefly of the friends of Angus, and including the Archbishop of Glasgow, the prelates of Aberdeen and Galloway, the Earls of Argyle, Morton, Lennox, and Glencairn, with the Lord Maxwell, whose advice, it was declared, his grace the sovereign will use for the welfare of the realm; but it was shortly perceived that their authority was centred in Angus alone, and that it was to be wielded with no mild or impartial sway. One of their first acts was to grant a remission to themselves for all crimes, robberies, or treasons, committed by them during the last nineteen years;[3] and within a few months

[1] Lesley, p. 133. Caligula, b. vii. 29. Sir William Dacre to Wolsey, 2d April 1525.

[2] Acts of the Parliament of Scotland, vol. ii. p. 301. Crawford's Officers of State, pp. 67, 68.

[3] Acts of the Parliament of Scotland, vol. ii. p. 307. This remission the Douglases afterwards pleaded in 1528. Acts of Parliament, vol. ii. p. 323.

there was not an office of trust or emolument in the kingdom which was not filled by a Douglas, or by a creature of that house: Archibald Douglas of Kilspindy was made high-treasurer; Erskine of Halton, secretary; Crichton, abbot of Holyrood, a man wholly devoted to the interests of Angus, privy-seal; and, to crown the whole, the earl sent a peremptory message to Beaton, requiring him to resign the great seal, which this prelate not daring to disobey, he without delay installed himself in the office of chancellor.

The ancient tyranny of the house of Douglas now once more shot up into a strength which rivalled or rather usurped the royal power; the Borders became the scene of tumult and confusion, and the insolence of the numerous vassals of this great family was intolerable. Murders, spoliations, and crimes of varied enormity were committed with impunity. The arm of the law, paralysed by the power of an unprincipled faction, did not dare to arrest the guilty; the sources of justice were corrupted, ecclesiastical dignities of high and sacred character became the prey of daring intruders, or were openly sold to the highest bidder, and the young monarch, who was watched with the utmost jealousy and rigour, began to sigh over a captivity, of which he could not look for a speedy termination.

Such excesses at length roused the indignation of the kingdom; and Lennox, one of the most honest of the peers, secretly seceded from Angus. It was now the middle of summer, and as the Armstrongs had broken out into their usual excesses on the Borders, Angus, with the young king in his company, conducted an expedition against them, which was attended with slight success. Before this, however, James had contrived to transmit a secret message to Lennox and the laird of Buccleuch, a potent vassal of that house, which complained bitterly of the durance in which he was held by the Douglases; and as the royal cavalcade was returning by Melrose to Edinburgh, Walter Scott of Buccleuch suddenly appeared on a neighbouring height, and, at the head of a thousand men, threw himself between Angus and the route to the capital.[1] Douglas instantly sent a messenger, who commanded the Border chief, in the royal name, to dismiss his followers; but Scott bluntly answered that he knew the king's mind better than the proudest baron amongst them, and meant to keep his ground, and do obeisance to his sovereign, who had honoured the Borders with his presence.[2] The answer was meant and accepted as a defiance, and Angus instantly commanded his followers to dismount; his brother George, with the Earls of Maxwell and Lennox, forming a guard round the young king, retired to a little hillock in the neighbourhood, whilst the earl, with Fleming, Home, and Ker of Cessford, proceeded with levelled spears, and at a rapid pace, against Buccleuch, who also awaited them on foot. His chief followers, however, were outlawed men of the Borders, whose array offered a feeble resistance to the determined charge of the armed knights belonging to Angus; the conflict accordingly was short, eighty of the party of Buccleuch were slain, the chief was compelled to retire; and, on the side of the Douglases, the only material loss was the death of Cessford, a brave baron, who was lamented by both parties.[3]

Not long after this, another and more determined effort to rescue the king from his ignominious thraldom was made by Lennox, who, it was privately suspected, had encouraged the attempt of Buccleuch. Having leagued himself with the chancellor and the queen, this nobleman advanced to Stirling at the head of an army of ten thousand men, whilst, with the hope of conciliating his hostility, the Douglases despatched against him his uncle Arran, who commanded a superior force. The mission, however, was vain: Lennox declared that he would enter the capital, and rescue his sove-

[1] Lesley, p. 134.
[2] Acts of the Parliament of Scotland, vol. ii. p. 330.
[3] Ibid. p. 312.

reign, or die in the attempt. Arran instantly despatched a messenger to Angus, then at Edinburgh; who, commanding the trumpets to sound, displayed the royal banner, and, unable to restrain his impatience, pushed on towards Linlithgow, leaving the king to follow, under the charge of his brother, Sir George Douglas. It was on this occasion that a slight circumstance occurred which produced afterwards important effects, and marked the ferocious manners of the times. The young monarch, who was fond of Lennox, and knew that he had taken arms from affection to his person, advanced slowly and unwillingly, and was bitterly reproached for his delay by Douglas. On reaching Corstorphine the distant sound of the artillery announced the commencement of the battle, and his conductor urging speed, broke into passionate and brutal menaces. "Think not," said he, "that in any event you shall escape us—for even were our enemies to gain the day, rather than surrender your person, we should tear it into pieces;" a threat which made an indelible impression on the royal mind, and was never forgiven.[1] Meanwhile the action had commenced; and Arran having, with considerable military skill, seized the bridge across the river Avon, about a mile to the west of Linlithgow, Lennox found himself compelled to attempt a passage at a difficult ford, opposite the nunnery of Manuel,—an enterprise by which his soldiers were thrown into disorder, and exposed to a severe fire from the enemy. Yet they made good their passage, and some squadrons, as they pressed up the opposite bank, attacked the army of Arran with great gallantry; but their array had been broken, they found it impossible to form, and were already giving way, when the terrible shout of "Douglas," rose from the advancing party of Angus, and the rout became complete.[2] Lennox himself fell amongst the foremost ranks, and Arran, a man of a gentle and affectionate nature, was found kneeling beside the bleeding body of his uncle, which he had covered with his cloak, and passionately exclaiming that the victory had been dearly purchased by the death of the wisest and bravest knight in Scotland.[3] The triumph of Angus was great; his power was consolidated by the total failure of the coalition against it, and the chains of the young king appeared more firmly riveted than ever.

It was hardly to be expected that the Douglases would use their success with moderation, or neglect the opportunity it offered to destroy effectually the power of their enemies. They accordingly made a rapid march to Stirling, with the intention of seizing the queen and the chancellor; but both had fled, and Beaton found the pursuit so hot, that he was compelled for some time to assume the disguise of a shepherd, and to conceal himself in the mountains till the alarm was over.[4] The distress of the young king was great on hearing of the death of Lennox, and it rose to a feeling of the deepest resentment, when he discovered that after he had surrendered, he was murdered in cold blood by Hamilton, the bastard of Arran, a ferocious partisan of Angus. On hearing that the day was going against him, James had sent forward Sir Andrew Wood, with earnest entreaties that his life might be spared, but in the rejoicings for their victory, his humanity was treated with derision by the Douglases, whose triumph soon after seemed complete, when Henry the Eighth despatched his letters to offer them his congratulations on their late successes, with his best advice for the education of his nephew, and the entire destruction of their enemies.[5]

Upon this last point Angus scarcely needed instruction; and having convoked a parliament, he proceeded, with no gentle hand, to the work of spoliation and vengeance. It was first declared, that his and Arran's proceedings in the late rebellion of Lennox,

[1] Buchanan, xiv. 28.
[2] Lesley, p. 136.
[3] Lindsay, 215.
[4] Ibid. 217.
[5] Caligula, b. vii. 67, 69. Sir Thomas More to Wolsey, 21st Sept.

were undertaken for the good of the king, and the safety of the commonwealth; and this act was followed by the forfeiture of the estates of the insurgent lords. To Arran were presented the lands of Cassillis and Evandale; to Sir George Douglas the estate of Stirling of Keir, who had been slain; whilst Angus took for himself the ample principality of Lord Lindsay, and the lands of all the eastern and northern barons who had supported Lennox. To the queen-mother, for whom the king had become a suppliant, he behaved with moderation. She was invited to the capital, welcomed on her approach by her son, who met her with a numerous retinue, permitted to converse with him familiarly, and received with courtesy by Angus,—a conduct adopted out of respect to Henry the Eighth, and which shewed that her power was at an end; Beaton the chancellor had, in the meantime, by large gifts and the sacrifice of the abbey of Kilwinning, made his peace with his enemies, and counted himself happy in being permitted to retire from court; whilst Arran, the successful colleague of Angus, becoming a prey to the most gloomy remorse for the death of Lennox, shut himself up in one of his castles, and declined all interference in matters of state. The government was thus abandoned to an undivided despotism, and the tyranny of the house of Douglas became every day more intolerable to the nation. To bear the name was esteemed sufficient to cover the most atrocious crime, even in the streets of the capital; and, during the sitting of parliament, a baron who had murdered his opponent on the threshold of the principal church, was permitted to walk openly abroad, solely because he was a Douglas; and no one, by his apprehension, dared to incur the vengeance of its chief.[1]

There were men, however, bred in these iron times, and nursed in that enthusiastic attachment to their chief, created by the feudal principle, who despised all danger, in the desire of fulfilling their duty. Of this an event, which now occurred, strikingly demonstrated the truth. A groom of Lennox, having arrived in the capital, whether by accident or intention does not appear, met a fellow-servant in the street, and eagerly demanded if he had seen Hamilton the bastard of Arran? "I have, and but a short time since," was the reply. "What!" said he, "and wert thou so ungrateful a recreant to thy murdered lord, as to permit him to live?—begone! thou art unworthy of so noble a master." With these words this daring man sought the palace, where a numerous body of the retainers of Douglas were mustering for a projected expedition to the Borders. Singling out Hamilton from amongst them, he watched him till he left the assembly, and springing upon him as he entered a dark passage, repeatedly buried his dagger in his bosom, leaving him stretched, with six wounds, apparently lifeless upon the ground. As the cry of blood arose, he darted into the midst of the crowd, and might have eluded pursuit but for an order which commanded the palace gates to be closed, and all within the court to draw up against its walls. This scrutiny instantly led to the seizure of the assassin, who was discovered, according to the strong expression of the Scottish law, "Red hand," with the marks of recent blood upon his dagger and his person.[1] On hearing that Hamilton was likely to survive, he bitterly upbraided himself for the failure of his purpose, and when, in the tortures which preceded his execution, his right hand was amputated, observed, that it merited such a fate, not for its crime, but for its failure. Such were the tempers and the principles which grew out of the feudal system.

To atone for the injustice of his usurpation, Angus, during his progress to the Borders, assumed a severity which constrained the Armstrongs and their lawless adherents to re-

[1] Caligula, b. vi. 420. Sir C. Dacre to Lord William Dacre, Dec. 2, 1526. The murderer mentioned in the text was the Laird of Lochinvar, who had slain the Laird of Bondby at St Giles' kirk door. "As for th' ord'ring of God's justice there is noon done in all Scotland."

[1] Lesley, p. 139. Buchanan, xiv. c. 31.

nounce, for a season, their ferocious habits, and to give hostages for their future obedience to the government. He next proceeded to appease a deadly feud which had broken out between the families of Lesley and Forbes, and whose ramifications of private vengeance, extending through the districts of Mar, Garioch, and Aberdeen, plunged the country in blood.[1]

The Highlands, remote from the seat of government, and completely neglected since the defeat at Flodden, had gradually relapsed into a state of almost irretrievable disorder. Where the law was not totally forgotten, it was perverted to the worst purposes of rapine and injustice; its processes were employed to screen the spoiler and the murderer; crimes which mingled in their character the ferocity of a savage with the polished cunning of a refined age were perpetrated with impunity; and the venal government of Angus neglected the outrages which they found it lucrative to countenance and almost impossible to repress.

Matters at last proceeded to such an extremity, that the alternative of immediate interference, or the entire separation of the remoter northern counties from the government was presented. Lachlan Macintosh, chief of the noted clan Chattan, was murdered by Malcolmson, his near relative, for no other reason than that he had endeavoured to restrain the excesses of his retainers.[2] The assassin escaping, buried himself in an island of the lake of Rothiemurchy in Strathspey; but his retreat was invaded, and he fell a victim to the vengeance of the clansmen. The infant son of the chief was delivered to the keeping of the Earl of Moray; and Hector his bastard brother, succeeded to the temporary command of the clan, till the majority of his nephew. Scarcely had he assumed this dignity, when he sent Moray a peremptory order to deliver up the infant, and, on his refusal, mercilessly ravaged his lands, sacked the town of Dyke, which belonged to him, and stormed and razed to the ground his castle of Tarnaway.[3] Nor was this enough: the young heir of Macintosh had been committed to the care of the Ogilvies, Moray's near kinsmen; and, to revenge this imaginary insult, the ferocious mountaineer appeared before the castle of Pettie, belonging to Ogilvy of Durness, and, carrying it by assault, murdered twenty-four of their house. But the triumph was brief; for when Hector was about to continue his outrages, Moray, who had procured a royal commission, rapidly assembled an army, and suddenly invading the Macintoshes, defeated them with the utmost slaughter. Two hundred of the principal delinquents were made prisoners, and led to instant execution; but the chief himself escaped; and such was the fidelity of his clansmen, that neither rewards nor tortures could induce them to disclose the place of his retreat. His brother, however, was seized and hanged, whilst Hector, flying to the capital, obtained the royal mercy only to fall a victim to the dagger of a monk at St Andrews, whose history and motive are alike unknown.[4] Amid these dark and sanguinary scenes, the government of Angus continued firm, being strengthened by the friendship of England, to whose interests he cordially attached himself, and by the apparent accession of the chancellor Beaton. The great wealth of this crafty prelate, and the liberality with which it was distributed to the Douglases, obtained for him a ready oblivion of his former opposition; and, although Sir George Douglas warned his brother of the dangerous designs which might be in agitation under the pretended reconciliation, Angus, who was inferior to his rival in a talent for intrigue, derided his suspicion.

The reconciliation of the archbishop to his powerful rivals, and his readmission to a share in the government, were signalised by a lamentable event,—the arraignment and death of Patrick Hamilton, abbot of Ferne, the earliest, and, in some respects, the most eminent of the Scottish re-

[1] Lesley, p. 136. [2] Ibid. p. 137.

[3] Now called Darnaway, on the river Findhorn. [4] Lesley, p. 138.

formers. This youthful sufferer was the son of Sir Patrick Hamilton of Kincavil, and Catherine Stewart, a daughter of the Duke of Albany. Educated at St Andrews, in what was then esteemed the too liberal philosophy of John Mair, the master of Knox and Buchanan, he early distinguished himself by a freedom of mind, which detected and despised the tenets of the schoolmen. He afterwards imbibed, probably from the treatises of Luther, a predilection for the new doctrines; and, being summoned before an ecclesiastical council, he preferred at that time, when his faith was still unsettled, an escape to the continent to the dangerous glory of defending his opinions. At Wittemberg, he sought and obtained the friendship of Luther and Melancthon; they recommended him to the care of Lambert, the head of the university of Marpurg, and by this learned scholar Hamilton became fully instructed in the reformed opinions. No sooner did a full conviction of the errors of the church of Rome take possession of his mind, than a change seemed to be wrought in his character; he that before had been sceptical and timid, became courageous, almost to rashness; and, resisting the tears and entreaties of his affectionate master, declared his resolution of returning to Scotland, and preaching the faith in his native country.[1] He embarked, arrived in 1527 at St Andrews, publicly addressed the people, and, after a brief and zealous career, was arrested by the ecclesiastical arm, and thrown into prison. His youth, (he was then only twenty-eight,) his talents, his amiable and gentle manners, interested all in his favour; and many attempts were made to induce him to retract his opinions, or, at least, to cease to disturb the tranquillity of the church by their promulgation to the people. But all was in vain: he considered this tranquillity not the stillness of peace, but the sleep of ignorance; he defended his doctrines with such earnestness and acquaintance with Scripture, that Aless, a Catholic priest, who had visited him in his cell with a desire to shake his resolution, became himself a convert to the captive, and he was at last condemned as an obstinate heretic, and led to the stake. On the scaffold, he turned affectionately to his servant, who had long attended him, and, taking off his gown, coat, and cap, bade him receive all the worldly goods now left him to bestow, and with them the example of his death. "What I am about to suffer, my dear friend," said he, "appears fearful and bitter to the flesh; but, remember, it is the entrance to everlasting life, which none shall possess who deny their Lord."[2] In the midst of his torments, which, from the awkwardness of the executioner, were protracted and excruciating, he ceased not to exhort those who stood near, exhibiting a meekness and unaffected courage, which made a deep impression. Lifting up his eyes to heaven, he exclaimed, "How long, O God! shall darkness cover this kingdom? How long wilt thou suffer this tyranny of men?" and when death at last came to his relief, he expired with these blessed words upon his lips, "Lord Jesus, receive my spirit."[3] The leading doctrines of Hamilton were explained by himself in a small Latin treatise, which has been translated by Fox, and incorporated in his Book of Martyrs. It contains a clear exposition of the manner in which a sinner is justified before God, through faith in Jesus Christ, and a beautiful commentary on some of the principal Christian graces. Although occasionally quaint and obscure, it proves that the mind of this good man was in advance of his age, at least in Scotland.[4]

It was now two years since Angus had obtained the supreme power. During this time the despotism of the

[1] Spottiswood, pp. 62, 63. Knox, pp. 7, 8.

[2] There is some reason to believe that a scheme for his rescue had been organized by Andrew Duncan of Airdrie, in Fife, one of his most attached followers, but it was discovered and defeated.

[3] Biographia Brit. Art. Duncan, Kippis' edition.

[4] Knox, p. 8, Glagow edition.

house of Douglas had been complete; and the history of the country presented the picture of a captive monarch,[1] a subservient and degraded nobility, and a people groaning under oppression, yet bound by the ties of the miserable system under which they lived to the service of their oppressors. To use the strong and familiar language of an ancient historian, "the Douglases would frequently take a progress to punish thieves and traitors, yet none were found greater than in their own company;" and an attempt made at this time, by the arch-plunderer himself, to obtain possession of the queen's dowry lands, so alarmed Margaret and her husband that, giving way to terror, they suddenly threw themselves into the castle of Edinburgh. But Douglas, taking the young monarch in his company, and summoning the lieges to muster under the royal standard, laid siege to the fortress; and Margaret, although she knew that her son was an unwilling enemy, and weary of his fetters, did not dare to disobey his summons. Falling on her knees before the king, she presented the keys of the fortress, and implored pardon for herself and her husband, whilst Angus, in the insolence of uncontrollable dominion, smiled at her constrained submission, and ordered Henry Stewart to a temporary imprisonment.[2] The secret history of this enormous power on the one hand, and implicit obedience on the other, is to be found in the fact that the Douglases were masters of the king's person: they compelled the young monarch to affix his signature to any deeds which they chose to offer him. Angus was chancellor, and the great seal at his command; his uncle was treasurer, and the revenues, as well as the law of the country, with its terrible processes of treason and forfeiture, were completely under his control. So long as James remained a captive all this powerful machinery was theirs, and their authority, which it supported, could not be shaken; but as soon as the king became free, the tyrannical system was undermined in its foundation, and certain to disappear.

The moment destined for the liberation of the monarch and the country was now at hand; nor can it be doubted that James, who had completed his sixteenth year, and began to develop a character of great vigour and capacity, was the chief contriver of the plot for his freedom. Beaton, the ex-chancellor and his assistant in his schemes, having given a magnificent entertainment to the young king and the Douglases in his palace of St Andrews, so completely succeeded in blinding the eyes of Angus, that the conspiracy for his destruction was matured when he deemed himself most secure.[3] James prevailed first on his mother, whom it was not deemed prudent to entrust with the secret, to exchange with him her castle of Stirling for the lands of Methven, in Strathern, to be given with the dignity of peer to her husband; and having placed this fortress in the hands of a captain on whose fidelity he could rely, he induced Angus, under some plausible pretext, to permit him to remove to his palace of Falkland, within a moderate distance from St Andrews.[4] It was here easy for him to communicate with Beaton, and nothing remained but to seize a favourable moment for the execution of their design: nor was this long of presenting itself. Lulled into security by the late defeat of the queen, and the well-feigned indifference of the chancellor, the Douglases

[1] In Caligula, b. ii. 118, Aug. 30th, 1527, is a letter from Magnus to Wolsey, which shews that James had ineffectually remonstrated to Henry VIII. against the thraldom in which he was held by Angus. "This daye," says Magnus, "passed from hence a chaplaine of the Bishoppe of St Andrews, wyth a letter addressed from the younge kyng of Scottes to the kinge's hieness, a copy whereof I send; mencioning, among other thynges, that the said yong king, contrary his will and mynd, is kept in thraldom and captivitie with Archibald erle of Anguisshe."

[2] Lesley, p. 140.

[3] Caligula, b. iii. 136. By a letter of Thomas Loggen, one of Magnus's spies, to that ambassador, it appears that the Douglases had detected Beaton secretly writing to the pope, representing his services, and requesting a cardinal's hat. It is singular this did not make Angus more cautious. Lindsay, p. 206.

[4] Caligula, b. vii. 73. Credence gevin by the Queene of Scots to Walter Taite.

had for a while intermitted their rigid watch over the king. Angus had passed to Lothian, on his private affairs; Archibald, his uncle, to Dundee; and Sir George Douglas, the master of the royal household, having entered into some transactions with Beaton regarding their mutual estates, had been induced by that prelate to leave the palace for a brief season, and to visit him at St Andrews; only Douglas of Parkhead, captain of the royal guard, was left with the young monarch, who instantly took his measures for escape. Calling Balfour of Ferny, the keeper of Falkland forest and chamberlain of Fife, he issued orders for a hunting party next morning, commanding him to warn the tenantry, and assemble the best dogs in the neighbourhood; he then took supper, went early to bed, under pretence of being obliged to rise next morning before daybreak, and dismissed the captain of his guard, who, without suspicion, left the royal apartment. When all was quiet in the palace, James started from his couch, disguised himself as a yeoman of the guard, stole to the stable, attended by two faithful servants, and, throwing himself upon a fleet horse, reached Stirling before sunrise. On passing the bridge, then secured by a gate and tower, he commanded it to be shut, and kept so at the peril of the warden's life; and then, proceeding to the castle, the governor, in a tumult of delight to behold his sovereign free, knelt down, and tendered his homage as he presented the keys of the fortress, amid the shouts and rejoicings of the garrison. Worn out with anxiety and travel, James now snatched a few hours of sleep; and couriers having been despatched in the interval, he awoke to see himself surrounded by his nobles, and felt, for the first time in his life, that he was a free monarch.[1] His first act was to summon a council, and issue a proclamation that no lord or follower of the house of Douglas should dare to approach within six miles of the court, under pain of treason,—a step strongly indicating that vigour and judgment which marked his future administration. The meeting was attended by the Earls of Arran, Argyle, Eglinton, and Moray, with the Lords Evandale, Sinclair, Maxwell, and Montgomery.[2]

Meanwhile, all this had passed with such speed and secrecy, that the Douglases still believed the king safe in the palace of Falkland; and so secure did they esteem themselves, that Sir George Douglas, the master of the household, arriving late in the evening, and hearing that James had retired for the night, made no further inquiries, but sought his own chamber. A loud and early knocking awoke him; and Carmichael, the bailie of Abernethy, rushing in, demanded if he had lately seen the king. "His grace," said Douglas, "is yet in bed." "No, no," cried Carmichael, "ye are all deceived and betrayed; the king has passed the bridge of Stirling." Sir George now flew to the royal apartment, found it locked, burst open the door with his foot, and, to his consternation, found that the report was true. The royal vestments, which had been thrown off for the friendly disguise, lay upon the unoccupied couch; and Douglas, awakening to the full extent of the calamity, stood for an instant rooted to the ground, in an agony of rage and disappointment. To raise the cry of treason, and to summon Angus and his uncle, was the work of a few minutes; within a few hours Angus himself and Archibald Douglas arrived in breathless haste, and without further delay, the three lords, accompanied by a slender retinue, set

[1] Lindsay, Hist. pp. 218, 219. Lesley, p. 140. Caligula, b. vii. 73. Credence of the Queen of Scots to Walter Tait.

[2] In an unpublished letter of Angus to Dr Magnus, (March 15, 1527,) Caligula, b. i. 105, the vigilance of that peer is strongly marked. In excusing himself for not keeping his appointment, he says, "Thyrdly, as the caiss stands, I dar not a ventur to depairt fra the keping of the kingis person, for danger that way appears; for all the lords ar departit of toun, nane uther lords remayning with his grace as now, bot my lord of Glasgow, Levenax, and I; and as I belief the kingis grace of Ingland nor ze suld be easie, yat I depairt fra the keping of my said soveran's person, in this tyme of necessitie, sic perell appearing and brekis throu thir lait novellis."

out for Stirling. Before they had proceeded any distance, they were met by the herald intrusted with the royal proclamation; and this officer, reigning up his horse, boldly read the act, which prohibited their approach to court under the pain of treason. For a moment they hesitated: the hereditary and haughty fearlessness of their house impelled them to proceed; but the terror of the royal name arrested their steps; and the same weapons which they had found invincible in their own grasp were now employed against themselves. All the penalties of treason, the loss of their property, the desertion of their vassals, the forfeiture of their lives, rose in fearful array before them; and, with imprecations against their own carelessness and folly, they turned their horses' heads, and slowly rode back to Linlithgow.[1]

CHAPTER IX.

JAMES THE FIFTH.

1528—1542.

JAMES THE FIFTH, who by this sudden revolution had been delivered from the thraldom of a successful faction, and invested with the supreme power, was still a youth in his seventeenth year. Even as a boy, he appeared to the discriminating eye of Magnus, Henry's ambassador at the Scottish court, to be brave, manly, impatient of being treated as a child, and possessed of good natural talents. As he grew up, the Douglases neglected his education, and perverted his disposition by injudicious indulgences. They detected in him a strong propensity to pleasure, which they basely encouraged, under the idea that his mind, becoming enervated by indolence and sensuality would resign itself to the captivity in which they meant him to remain; but they were not aware of the strength of the character with which they had to deal. It did not, indeed, escape the pollution of such degrading culture; but it survived it. There was a mental vigour about the young king, and a strength of natural talent, which developed itself under the most unfavourable circumstances: he had early felt, with indignation, the captivity to which he was doomed, by the ambition of Angus; but he saw, for some time, no prospect of redress, and he insensibly acquired, by the necessity of his situation, a degree of patience and self-command, which are rarely found at his years. Under the restraint in which he was kept, the better parts of his nature had, for a while, little opportunity to display themselves. But the plot for his escape, and which appears to have been principally his own contrivance, having succeeded, he became at once a free monarch, and his true character, to the delight of the nation, was found to be marked

[1] Buchanan, xiv. 33. In Mr Pitcairn's valuable collection of Criminal Trials, to which, in the course of my historical investigations, I have been under repeated obligations, there occurs (vol. i. p. 188) an incidental notice, from which we may pretty nearly fix the hitherto uncertain date of the king's escape. Pinkerton (vol. ii. p. 291) assumes it to have taken place in July. This, however, is undoubtedly incorrect; for we find, on December 1st, 1528, the Lady Glammis was summoned to answer before parliament for the assistance afforded the Earl of Angus, in convocating the lieges for eight days immediately preceding June 1, to invade the king's person. This brings the date of the escape to the 22d or 23d of May.

by some of the highest qualities which could adorn a sovereign. He possessed a strict love of justice, an unwearied application in removing the grievances and promoting the real interests of his people, and a generosity and warmth of temper, which prompted him, on all occasions, to espouse with enthusiasm the cause of the oppressed. A stranger to pride, easy of access, and fond of mingling familiarly with all classes of his subjects, he seems to have gained their affections by relying on them, and was rewarded by an appellation, of which he was not unjustly proud, "the King of the Commons."

With regard to the principles which guided his future policy, they arose naturally out of the circumstances in which his mind had been nurtured. The sternest feelings against the Douglases, to whose ambition he had been made a sacrifice, were mingled with a determination to recover those rights of the crown, which had been forgotten or neglected during his minority, and to repress the power of an overgrown and venal aristocracy. Towards his uncle, Henry the Eighth, he could not possibly experience any other sentiments than those of indignation and suspicion. This monarch, through the exertions of his able minister, Lord Dacre, had introduced into Scotland a secret system of corruption, by which the nobles had become the pensioned agents of the English government, which maintained innumerable informers in the court and throughout the country, and excited such ceaseless commotions and private wars, that every effort for the maintenance of order and good government was defeated. In his uncle, James had latterly seen nothing but a determination to support his enemies the Douglases, with the object of degrading Scotland from its rank as an independent kingdom, and, by their aid, administering it according to his pleasure. To destroy this system of foreign dictation, which, since the defeat at Flodden, had been gradually assuming a more serious aspect, was one great object of the king; and whilst such a design rendered his policy inimical to England, it naturally disposed him to cultivate the most friendly relations with France.

To the success of these designs, however, great obstacles presented themselves; which, although for the moment overlooked by the sanguine mind of the king, soon compelled him to act with moderation. Henry the Eighth and Francis the First were now bound together by a strict league, of which the great object was to humble the power of the Emperor Charles the Fifth; and the French monarch received with coldness every advance which endangered a union on which the success of his political schemes so mainly depended. Nor was it long of occurring to the Scottish king, that, with a divided nobility and his finances impoverished by the havoc made in the royal revenues during his minority, it would be wise to pause before he permitted his individual resentment to hurry the nation into a war; and that, in the meantime, it should be his first object to secure his recent elevation by the immediate proscription of his enemies.

He accordingly proceeded from Stirling to Edinburgh, where a proclamation was issued, prohibiting any Douglas, on pain of death, from remaining in the capital, and making it treason to hold intercourse with Angus or his adherents. It was resolved that a parliament should meet in the beginning of September; the important office of chancellor was bestowed by the king upon his preceptor, Gawin Dunbar, archbishop of Glasgow; Cairncross, abbot of Holyrood, was made treasurer; the Bishop of Dunkeld privy-seal;[1] the command of the capital, with the office of provost, intrusted to Lord Maxwell; and Patrick Sinclair was despatched to the English court with a message to Henry, informing him of the change which had taken place, and the assumption of the supreme power by the young monarch.[2] During the rapid adoption

[1] Pollock MS. entitled a Diurnal of Occurrents in Scotland, p. 11, edited by the Bannatyne Club.

[2] State Papers, Henry VIII. p. 282. James's confidence was ill bestowed on Sinclair, who

of these measures, the terror of some sudden attempt by the Douglases had not subsided. Each night the palace was strictly watched by the loyal peers and their armed followers, who now formed the court; and James himself, clothed in complete mail, took his turn in commanding the guard. After a few days, the king removed to Stirling, and the nobles dispersed to their estates, with a promise to attend the ensuing parliament in great force. Meanwhile, the Earl of Angus had shut himself up in Tantallon, whilst his brother, Sir George Douglas, and Archibald, the late treasurer, after a feeble attempt to make a diversion in his favour, were attacked by Maxwell, and driven from the capital. The measures which James contemplated against these powerful delinquents were not at first so severe as have been generally represented by our historians. Incensed, as he must have been, by the long and ignominious durance in which he had been kept, the young monarch did not instantly adopt that stern and unforgiving policy to which he was afterwards driven by the Douglases themselves. The Earl of Angus was commanded to keep himself beyond the waters of Spey, and to surrender his brother, Sir George Douglas, and his uncle, Archibald Douglas of Kilspindy, as hostages for his answering to the summons of treason, which was directed to be raised against him.[1] Both orders he haughtily disobeyed; he mustered his vassals, fortified his castles, and provoked, instead of conciliating, the royal resentment. Such conduct was attended with the effects which might have been anticipated.

On the 2d of September the parliament assembled, and an act of attainder was passed against the Douglases,[2] who justified the severity, by convoking their followers, and razing to the ground the villages of Cranston and Cowsland.[3] The lands of the arch-offender Angus were divided by James amongst those followers to whose support he had probably been indebted for the success of the late revolution, Argyle, Arran, Bothwell, Buccleuch, Maxwell, and Hamilton, the bastard of Arran; whilst to himself the king reserved the castle of Tantallon, a place whose great strength rendered it dangerous in the hands of a subject. All this was easy, as the parliament consisted of such peers and prelates as were devoted to the king; but to carry the sentence into execution was a less practicable matter, and so formidable was the power of Angus, that, for a season, he completely defied the royal wrath. In vain did the young king in person, and at the head of a force of eight thousand men, commence the siege of Douglas castle; admonished by the strength of the fortifications, and the injury to the harvest which must follow a protracted attempt, he was obliged to disband his army, and submit to the insult of having two villages, near his palace of Stirling, sacked and given to the flames, by a party of the Douglases; who, in allusion to his late escape, remarked that the light might be useful to their sovereign if he chose again to travel before sunrise. An equally abortive display was soon after made before Coldingham, in which the royal forces were totally dispersed; and, in a third attempt to reduce Tantallon, the monarch, although supported by a force of twelve thousand men, was not only compelled to raise the siege, but endured the mortification of having his train of artillery attacked and captured, after an obstinate action by Angus in person.[4] It was on this occasion that the king, whose indignation was increased by the death of Falconer, the captain of his guard, and the best naval officer in the kingdom, burst into the bitterest reproaches against Angus, and is said to have declared, with an oath, that so long as he lived, no Douglas should find a resting-place in Scotland. At length, after repeated failures, and a refusal on the part of Bothwell to lead the army against the

(State Papers, p. 150) was, in 1524, in the pay of the English government.

[1] Acts of the Parliament of Scotland, vol. ii. pp. 322, 323.

[2] Ibid. p. 324.

[3] Diurnal of Occurrents, p. 11.

[4] Lesley, pp. 140, 141. Pink., vol. ii. p. 301.

formidable rebel, the task of his expulsion from Coldingham was committed to Argyle, who, with the assistance of the Homes, compelled him to fly into England, an asylum from which he was not destined to return, till after the death of James.

Under other circumstances than those in which the English monarch was now placed, the presence at his court of so formidable a person as Angus might have led Henry to an espousal of his quarrel, and have defeated any proposals for a pacification; but the present relations of this prince with the continent, and his strict coalition with Francis the First against the emperor, made him solicitous for tranquillity on the side of Scotland; he contented himself, therefore, with an earnest request for the restoration of the rebel peer, and when this was peremptorily refused by James, abstained from interrupting the negotiations by any cavil or reiteration. The Scottish king, on the other hand, professed his obligations to Henry for many favours conferred during his minority,—a sentiment for which we can scarcely give him the credit of sincerity; and having despatched his commissioners to meet with Magnus and Sir Thomas Tempest, the English ambassadors, at Berwick, a pacification of five years was concluded between the two countries, and ratified on the 14th of December 1528. To Angus was granted a remission of the sentence of death, and a consent that he might remain in England; but the forfeiture of his estates was sternly enforced, and Tantallon, with the other castles belonging to the Douglases, delivered into the hands of the king.

Having settled this important matter, and secured himself on the side of England, James directed his attention to the state of the Borders,[1] where the disorders incident to a minority had increased to a degree which threatened the total disruption of these districts. Such excesses were mainly to be attributed to Angus, the late warden of the marches, who had secured the friendship of the Border chiefs, by overlooking their offences, whilst he had bound them to his interests by those feudal covenants, named "bands of manrent,"[2] which formed one of the darkest features of the times, compelling the parties to defend each other against the effects of their mutual transgressions. The task, therefore, of introducing order and respect for legal restraints amongst the fierce inhabitants of the marches was one of extreme difficulty. The principal thieves were the Border barons themselves, some of whom maintained a feudal state almost royal; whilst their castles, often impregnable from the strength of their natural and artificial defences, defied every attempt to reduce or to storm them.

The energy of the young monarch overcame these difficulties. Having assembled his parliament at Edinburgh, and ascertained his own strength, he represented to the three estates the impossibility of maintaining the laws, when many of the highest nobles declined or dreaded the task of enforcing their obedience, and others were notorious for their violation of them. A strong example of rigour was, he said, absolutely required; and this remark was instantly followed by the arrest of the Earl of Bothwell, lord of Teviotdale: Home, Maxwell, Ker of Fernihirst, Mark Ker, with the barons of Buccleuch, Polwarth, and Johnston, shared his imprisonment;[3] and hav-

[1] In the State-paper office is an original letter of James to Henry, dated at Jedburgh, 23d July, written on his progress to the Borders. "And at this tyme," says he, "we ar in travaile towart oure bordouris, to put gude ordoure and rewle upon thame, and to stanche the thyftes and rubbarys committit be theiffis and tratouris upon the samyn. And as our besynes takis effect, we sall advertise zou."

[2] "And howbeit, the said Erle [Angus] beand our chancellare, wardane of our est and middil marches, and lieutenant of the samyne, procurit divers radis to be maid upon the brokin men of our realme; he usit our autorite, not against yame, bot against our baronis and uthers our lieges, yat wald not enter in bands of manrent to him, to be sa stark of power, that we suld not be habil to reign as his prince, or haif dominatioun aboun hym or our lieges." MS. Caligula, b. ii. 224. Articles and Credence to be shewn to Patrick Sinclair, July 13, 1528. Signed by James the Fifth.

[3] Lesley, pp. 141, 142.

ing thus secured some of the greatest offenders, the king placed himself at the head of a force of eight thousand men, and traversed the disturbed districts with unexpected strength and celerity. Guided by some of the Borderers, who thus secured a pardon, he penetrated into the inmost recesses of Eskdale and Teviotdale, and seized Cockburn of Henderland and Scott of Tushielaw before the gates of their own castles. Both were led to almost instant execution; and by a sanguinary example of justice, long remembered on the marches, the famous freebooter, Johnnie Armstrong, was hanged, with forty-eight of his retainers, on the trees of a little grove, where they had too boldly presented themselves to entreat the royal pardon. The fate of this renowned thief, who levied his tribute, or black mail, for many miles within the English Borders, has been commemorated in many of the rude ballads of these poetic districts; and if we may believe their descriptions, he presented himself to the king, with a train of horsemen, whose splendid equipments almost put to shame the retinue of his prince.[1]

This partial restoration of tranquillity was followed by the news of a formidable but abortive attempt to separate the Orkneys from the dominion of the crown. The author of the rebellion, whose ambition soared to the height of an independent prince, was the Earl of Caithness; but his career was brief and unfortunate, the majority of the natives of the islands were steady in their loyalty, and in a naval battle, James Sinclair, the governor, encountered the insurgents, defeated and slew their leader, with five hundred men, and, making captives of the rest, reduced these remote districts to a state of peace.[2] But whilst tranquillity was restored in this quarter of his dominions, the condition of the Isles became a subject of serious alarm. The causes of these renewed disturbances are not to be traced, as in the former rebellion, to any design in the Islesmen, to establish a separate and independent principality under a prince of their own election; and it is probable that the imprisonment of Donald of Sleat, in the castle of Edinburgh, extinguished for a season all ambition of this sort. The sources of disaffection originated in a fierce family feud which had broken out between the Macleans of Dowart and the Earl of Argyle, who, holding the high office of governor of the Isles, was frequently tempted to represent any attack upon himself or his adherents as a rebellion against the authority of the sovereign. A daughter of the earl, Lady Elizabeth Campbell, had been given in marriage to Maclean of Dowart, and the union proving unhappy, the ferocious chief exposed her upon a desolate rock near the isle of Lismore, which, at high water, was covered by the sea.[3] From this dreadful situation she was rescued by a passing fishing-boat; and, not long after, Sir John Campbell of Calder avenged the wrongs of his house by assassinating Maclean, whom he stabbed in his bed, although the Highland chief had procured letters of protection and believed himself secure.[4] Other causes

[1] Lesley, pp. 142, 143. Lindsay, p. 226.
[2] Lesley, p. 141.

[3] Still called the Lady Rock.

[4] This murder by Sir John Campbell is alluded to in strong terms in an interesting document, preserved in the State-paper office, dated August 1545, entitled, "Article proposed by the Commissioners of the Lord of the Isles to the Privy-council, as the basis of an agreement to be entered into between Henry the Eighth and him for the service of his troops." The passage is curious, as evincing the enmity of the Islemen to Scotland: Quhairfor, your Lordships sall considder we nave beyne auld enemys to the realme of Scotland, and quhen they had peasche with ye kings hienis, thei hanged, hedit, presoned, and destroied many of our kyn, friendis, and forbearis, as testifies be our Master, th' Erle of Ross, now the king's grace's subject, ye quhilk hath lyin in presoun afoir he was borne of his moder, and is not releiffit with their will, bot now laitlie be ye grace of God. In lykewise, the Lord Maclanis fader was cruellie murdressit, under traist, in his bed, in the toun of Edinbruch, be Sir John Campbell of Calder, brudir to th' Erll of Argyle. The capitane of Clanranald, this last zeir ago, in his defens, slew the Lord Lovett, his son-in-law, his three brethren, with xiii scoir of men; and many uther crewell slachter, burnying, and herschip that hath beyn betwix us and the saidis Scottis, the quhilk war lang to wryte.

of jealousy increased the mutual exasperation; the Macleans, strengthened by their union with the clan Ian Mhor, and led by Alexander of Isla, defied the authority of Argyle, and carried fire and sword through the extensive principality of the Campbells; whilst they, on the other hand, retaliated with equal ferocity, and the isles of Mull and Tiree, with the wide district of Morvern, were abandoned to indiscriminate plunder.

Such was the state of things, in these remote districts, during the years 1528 and 1529; about which time Argyle earnestly appealed to the council, and, describing the deplorable condition of the country, demanded more extensive powers to enable him to reduce it under the dominion of the law. But the sagacity of James suspected the representations of this powerful noble; and, whilst he determined to levy a force sufficient to overawe the disaffected districts, and, if necessary, to lead it against the Isles in person, he endeavoured to avert hostilities, by offering pardon to any of the Island chiefs who would repair to court and renew their allegiance to their sovereign. These conciliatory measures were attended with success. Nine of the principal Islesmen, with Hector Maclean of Dowart, availed themselves of the royal safe-conduct, and personally tendered their submission; whilst, soon after, Alexander of Isla repaired to the palace of Stirling, and in an interview with the monarch, expressed his contrition for his offences, and was received into favour. He promised to enforce the collection of the royal rents upon the crown lands of the Isles; to support the dignity and respect the revenues of the Church; and to maintain the authority of the laws, and the inviolability of private property. Under these conditions the monarch reinstated the Island lord and his vassals in the lands which they had forfeited by their rebellion.[1]

In the late negotiations, Henry the Eighth had alluded to his wishes for a matrimonial alliance with Scotland,[2] and his ally, Francis the First, whose interests at this time were inseparable from those of England, was disposed to promote the scheme. To Charles the Fifth, however, their great rival, whose policy was more profound than that of his opponents, any match between James and a daughter of England was full of annoyance; and he exerted every effort to prevent it. He proposed successively to the youthful monarch, his sister, the queen of Hungary, and his niece, the daughter of Christiern, king of Denmark; and so intent was he upon the last-mentioned union, that an envoy was despatched to Scotland, who held out as a dower the whole principality of Norway. But the offer of an offensive and defensive league with so remote a power as Austria was coldly received by James and his parliament; whilst the preservation of peace with England, and his desire to maintain the alliance with France, inclined him to lend a more favourable ear to the now reiterated proposals of Henry.

In the meantime his attention was wisely directed to the best measures for promoting the security and happiness of his kingdom, still distracted by the unbridled licentiousness of feudal manners. Blacater, the baron of Tulliallan, with some ferocious accomplices, among whom was a priest named Lothian, having assassinated Sir James Inglis, abbot of Culross, was seized and led to instant execution; whilst the priest, after being degraded and placed without the pale of the ecclesiastical law, was beheaded.[3] To secure the commercial alliance between Scotland and the Netherlands was his next object; and for this purpose, Sir David Lindsay of the Mount —a name dear to the Scottish Muses —and Campbell of Lundie were sent on an embassy to Brussels, at that moment the residence of the emperor, who received them with a distinction proportioned to his earnest desire to

[1] These particulars I derive from Mr Gregory's interesting work, "History of the Western Highlands and Isles," pp. 132, 133, 136.

[2] Caligula, b. vii. 121. Copy of a letter from Magnus to Sir Adam Otterburn, December 5, 1528.

[3] Diurnal of Occurrents in Scotland, p. 13.

secure the friendship of their young master. The commercial treaty, for one hundred years, originally concluded by James the First, between his dominions and the Netherlands, now about to expire, was wisely renewed for another century.[1]

But it was in vain that the king strengthened his alliances abroad, and personally exerted himself at home, whilst a large proportion of his nobles thwarted every measure for the public weal. Spoilt by the licence and impunity which they had enjoyed under the misrule of Angus, and trammelled by bands of manrent amongst themselves, or with that powerful baron, they either refused to execute the commands of the sovereign, or received them only to disobey, when removed out of the reach of the royal displeasure; and in this manner the laws, which had been promulgated by the wisdom of the privy-council or parliament, became little else than a dead letter. Against this abuse, James was compelled to adopt decided measures. The Earl of Argyle was thrown into prison; Crawford, on some charges which cannot be ascertained, lost the greater part of his estates; the dislike to the house of Douglas, and the determination to resist every proposal for their return, assumed a sterner form in the royal mind; and the Earl of Moray, Lord Maxwell, and Sir James Hamilton, who had shared for a while the intimacy and confidence of their sovereign, found themselves treated with coldness and disregard.[2] On the other hand, many of the clergy were highly esteemed, and promoted to the principal offices in the government; nor are we to wonder at the preference evinced by the monarch, when it is considered, that in learning, talents, and acquaintance with the management of public affairs, the superiority of the spiritual over the temporal estate was decided.

It was probably by the advice of Dunbar, the archbishop of Glasgow, who had been his preceptor, and now held the office of chancellor, that the king at this time instituted the College of Justice, a new court, of which the first idea is generally said to have been suggested by the Parliament of Paris. Much delay, confusion, and partiality accompanied those heritable jurisdictions, by which each feudal baron enjoyed the right of holding his own court; and although an appeal lay to the king and the privy-council, the remedy by the poorer litigant was unattainable, and by the richer tedious and expensive. In a parliament, therefore, which was held at Edinburgh, (May 17, 1532,) the College of Justice was instituted, which consisted of fourteen Judges, — one-half selected from the spiritual, and the other from the temporal estate,—over whom was placed a President, who was always to be a clergyman. The great object of this new court was to remove the means of oppression out of the hands of the aristocracy; but, as it was provided that the chancellor might preside when he pleased, and that on any occasion of consequence or difficulty, the king might send three or four members of his privy-council to influence the deliberations, and give their votes, it was evident that the subject was only freed from one grievance, to be exposed to the possibility of another,—less, indeed, in extent, but scarcely more endurable when it occurred.[3] It is an observation of Buchanan, that the new judges, at their first meetings, devised many excellent plans for the equal administration of justice, but disappointed the nation by their future conduct, especially in their attempts to prevent any encroachments upon their authority, by the provisions of the parliament. We must not forget, however, that, as he approaches the period of the Reformation, impartiality is not the first virtue of this eminent man: that the circumstance of one-half of the court being chosen from the spiritual estate had an effect in retarding the progress of the reformed opinions cannot be doubted.

[1] Pinkerton, vol. ii. p. 310.

[2] Caligula, b. v. 216. Communicacions had between th' Erle of Northumberland and th' Erle Bothwell, December 21, 1531.

[3] Acts of the Parliament of Scotland, vol. ii. pp. 335, 336.

All Europe was now at peace; the treaties of Barcelona and Cambrai had for a season settled the elements of war and ambition. Charles was reconciled to the Pope, and on friendly terms with his rival Francis; whilst Henry the Eighth, under the influence of his passion for Anne Boleyn, was about to pursue his divorce, and become the instigator of that great religious reformation, in the history of which we must be careful to distinguish the baseness of some of its instruments from that portion of the truth which it restored and established. It was in the meantime the effect of all these events to give a continuance of peace to Scotland; but the intrigues of the Earl of Bothwell, who had traitorously allied himself with England;[1] the restless ambition of Angus, whose services against his native country had also been purchased by Henry;[2] and the spirit of war and plunder which was fomented in unextinguishable strength upon the Borders, combined to distract the kingdom and defeat the wisest efforts for the preservation of tranquillity. Mutual inroads took place, in which the banished Douglases and Sir Anthony Darcy distinguished themselves by the extent and cruelty of their ravages; whilst it was deemed expedient by James to divide the whole body of the fighting men in Scotland into four parts, to each of which, in rotation, the defence of the marches was intrusted under the command of Moray, now reconciled to the king, and created lieutenant of the kingdom. This measure appears to have been attended with happy effects; and at the same time, the Scottish monarch evinced his power of distressing the government of Henry, should he persist in encouraging his rebel subjects, by raising a body of seven thousand Highlanders, under the leading of MacIan, to assist O'Donnel, the Irish chief, in his attempts to shake off the English yoke. It appears from a letter of the Earl of Northumberland to Henry the Eighth, that the Earl of Argyle, about the same time, had been deprived of the chief command in the Isles, which was conferred upon MacIan,—a circumstance which had completely alienated the former potent chief, and disposed him, with the whole strength of his vassals and retainers, to throw himself into the arms of England. But this dangerous discontent was not confined to Argyle; it was shared in all its bitterness by the Earl of Crawford, whose authority in the same remote districts had been plucked from his grasp, and placed in the hands of MacIan.[3] Neither was well, as it appears by the original agreement, was to seek Henry's assistance, "that, by his grace, the realme of Skotland sal be brocht into gud stait agayn, and not the nobles thereof be kept down as they are in thralldom, but to be set up as they haif bene before," 21st December 1531. Angus bound himself, as we learn by a copy of the original writing between him and Henry, Caligula, b. i. 129, to "mak unto us the othe of allegiawnce, and recognise us as supreme Lorde of Scotland, and as his prince and soveraigne."

[1] In the State-paper Office, Border Correspondence, is an interesting and curious original MS. letter, dated Newcastle, 27th December 1531, from the Earl of Northumberland to the king, giving a full account of a conference with the Earl of Bothwell. Bothwell first declared the occasion and ground of his displeasure towards the King of Scots, —namely, "the giving of his lands to the Carres of Teviotdale; the keeping him half a year in prison, and seeking to apprehend him and his colleagues, that he might lead them to execution." The letter continues thus,—"and touching the second article in your most gracious lettres, as to know what he could do for revenging of his displeasure, or releving of his hart and stomach against the Skottes kyng, the said erle doth securely promise, your higness being his good and gracious prince and helpyng him to his right, . . . that he should not only serve your most noble grace in your wars against Skotland trewly with a thousand gentlemen, and sex thousand commons, but also becomes your highness's true subject and liegeman. Thyrdly, to know what lykelihood of good effect shall ensue; hereof the said erle doth say, remembering the banyshment of the Erle of Anguisse, the wrongfull disinherityng of the Erle of Crawford, the sore imprisonment of the Erle of Argyle, the litill estimacyon of the Erle Murray and the Lord Maxwell, the simple regarding of Sir James Hamilton for his good and paynfull services, he puts no doubt with his own power and the Erle of Anguisse's, seeing all their nobles hartes afore expressed: be withdrawen from the king of Skottes, *to crown your grace in the toune of Edinburg within brief tyme.*"

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[3] Caligula, b. i. 129. "The king of Skottis hath plucked from the Erle of Argile, and

James absolutely secure of the support of the clergy: they viewed with jealousy an attempt to raise from their dioceses a tax of ten thousand crowns, within the period of a single year; and so effectually addressed themselves to the Pope, that a bull was obtained, which limited the sum, and extended the period for its contribution.

The mutual hostilities upon the Borders had now continued with unmitigated rancour for more than a year, each sovereign professing his anxiety for peace; yet unwilling, when provoked by aggression, to deny himself the triumph of revenge, and the consolation of plunder. The flames of towns and villages, the destruction of the labour of the husbandman, and of the enterprise and industry of the merchant; the embittering of the spirit of national animosity, and the corruption of the aristocracy of the country, by the money and intrigues of England,—all these pernicious consequences were produced by the protraction of the war, which, although no open declaration had been made by either monarch, continued to desolate the country. It was in vain that Francis the First despatched his ambassador to the Scottish court, with the object of mediating between the two countries, whose interests were now connected with his own. James upbraided him, and not without justice, with his readiness to forget the alliance between their two kingdoms, and to sacrifice the welfare of Scotland to the ambition of Henry his new ally. The negotiation was thus defeated, but again Francis made the attempt: Beauvois, a second ambassador, arrived at the Scottish court; and the monarch relaxed so far in his opposition, that he consented to a conference for a truce, which, although it had been stipulated to commence early in June, was protracted by the mutual disputes and jealousies of the contracting parties till near the winter.

In the meantime the king resolved to set out on a summer progress through his dominions, in the course of which an entertainment was given to the yet youthful monarch by the Earl of Athole, which is strikingly illustrative of the times. This potent Highland chieftain, who perhaps indulged in the hope of succeeding to a portion of the power so lately wrested from Argyle, received his sovereign at his residence in Athole, with a magnificence which rivalled the creations of romance. A rural palace, curiously framed of green timber, was raised in a meadow, defended at each angle by a high tower, hung in its various chambers with tapestry of silk and gold, lighted by windows of stained glass, and surrounded by a moat, in the manner of a feudal fortress. In this fairy mansion the king was lodged more sumptuously than in any of his own palaces; he slept on the softest down; listened to the sweetest music; saw the fountains around him flowing with muscadel and hippocras; angled for the most delicate fish which gleamed in the little streams and lakes in the meadow, or pursued the pastime of the chase amid woods and mountains which abounded with every species of game. The queen-mother accompanied her son; and an ambassador from the Papal court having arrived shortly before, was invited to join in the royal progress. The splendour, profusion, and delicacy of this feudal entertainment, given by those whom he had been accustomed to consider barbarians, appeared almost miraculous, even to the warmth of an Italian imagination; and his astonishment was not diminished when Athole, at the departure of the royal cavalcade, declared that the palace which had given delight to his sovereign should never be profaned by a subject, and commanded the whole fabric, with its innumerable luxuries, to be given to the flames.

Although provoked by the continu-

from his heires for ever; the rule of all the oute Isles, and given the same to Mackayne and his heires for ever; and also taken from the Erle Crawford such lands as he had ther, and given the same to the said Mackayne: the whiche hath engendered a grete hatrit in the said Erle's harte against the said Skottis king."

ance of the Border inroads, which were carried on with the connivance of the English monarch, at the moment he professed an anxiety for peace, James wisely suppressed his resentment, and contented himself with a temperate remonstrance. His situation indeed, owing to the continued intrigues of the adherents of the house of Douglas, and the secret support they received from England,[1] was perilous and harassing; and whatever might be his individual feelings, it became evident that peace with that country must be secured, even at some sacrifice. The Bishop of Aberdeen and Sir Adam Otterburn were accordingly despatched to the English court with full powers; and having met with the English commissioners, the Secretary Cromwell and Dr Fox, a pacification was concluded, which was to last during the lives of the two monarchs, and to continue for a year after the death of him who first deceased. It appears that the Douglases, since their forfeiture, had gained possession of Edrington castle, which James, who was jealous of their retaining even the smallest property within his dominions, insisted should be restored. On this condition he agreed that Angus, Sir George Douglas, his brother, and Archibald, his uncle, might remain unmolested in England, supported by Henry as his subjects,—provided, according to the Border laws, reparation was made for any enterprise which either he or they might conduct against Scotland. The treaty was concluded on the 12th of May 1534, and soon after ratified with circumstances of much solemnity and rejoicing by both monarchs.[2] The young king was soon after flattered by the arrival of Lord William Howard, with the Order of the Garter from England; whilst Francis the First requested his acceptance of that of St Michael; and the Emperor Charles the Fifth transmitted the Golden Fleece,[3] by his ambassador Godeschalco.

James was now in his twenty-second year, and his marriage was earnestly desired by his subjects. His fearlessness in his constant efforts to suppress in person the disturbances which agitated his kingdom exposed him to constant danger; he would often, with no greater force than his own retinue, attack and apprehend the fiercest banditti; riding by night through solitary and remote parts of his dominions; invading them in their fastnesses, and sharing in peril and privations with the meanest of his followers. Nor was he content with this nobler imitation of his father, but he unhappily inherited from him his propensity to low intrigue, and often exposed his life to the attacks of the robber or the assassin in his nocturnal visits to his mistresses. It was observed that the Hamiltons, who, next to the Duke of Albany, (now an elderly man without children,) had the nearest claim to the throne, looked upon this courage and recklessness of the king with a satisfaction which was scarcely concealed; and Buchanan has even stated, although upon no certain evidence, that they had made attempts against his life. With some probability, therefore, of success, the Spanish ambassador, in the name of his master, proposed a matrimonial alliance with his niece, the Princess Mary of Portugal; but the Scottish king evaded the offer, and dismissed him with general expressions of esteem. He regretted at the same time the continued hostility between his uncle and the emperor, expressed his sorrow for the violent measure of his double divorce from Queen Catherine and the Papal see, and declared his own determination to support the religion of his fathers, and to resist the enemies of the Church.[4]

[1] In the State-paper Office is a letter from James to Henry, dated 18th March 1533-4, in which he complains that, since the departure of his ambassador towards England, an incursion had been made by some Borderers under Sir R. Fenwick into Teviotdale, which had done more damage than any raid during the war.

[2] Rymer, vol. xiv. pp. 480-537.

[3] Diurnal of Occurrents in Scotland, p. 19. In the State-paper Office is an original letter from William, bishop of Aberdeen, to Secretary Cromwell, dated 8th July 1534, promising that the king his master will soon send his proxy to be installed Knight of the Garter.

[4] Maitland, vol. ii. p. 809.

This resolution he soon after fulfilled, by encouraging a renewed persecution of the Reformers. An ecclesiastical court was held in the abbey of Holyrood; Hay, bishop of Ross, presided as commissioner for the cardinal; and the king, completely clothed in scarlet, the judicial costume of the time, took his seat upon the bench, and gave unwonted solemnity to the unholy tribunal. Before it many were cited to answer for their alleged heretical opinions; some recanted and publicly abjured their errors; others, amongst whom were the brother and sister of Patrick Hamilton, who had sacrificed his life for his opinions,[1] fled from the country and took refuge in England; but David Straiton and Norman Gourlay, a priest, appeared before the judges and boldly defended their faith. Straiton was a gentleman of good family, brother to the Baron of Laurieston. He had engaged in a quarrel with the Bishop of Moray on the subject of his tithes; and in a fit of indignation had commanded his servants, when challenged by the collectors, to throw every tenth fish they caught into the sea, bidding them seek their tax where he found the stock. From these violent courses he had softened down into a more quiet inquiry into the grounds of the right claimed by Churchmen; and frequenting much the company of Erskine of Dun, one of the earliest and most eminent of the Reformers, became at length a sincere convert to their doctrines. It is related that listening to the Scriptures, which was read to him by the Laird of Laurieston, he came upon that passage where our Saviour declares He will deny before His Father and the holy angels any one who hath denied Him before men: upon which he was deeply moved, and falling down on his knees, implored God that, although he had been a great sinner, He would never permit him, from the fear of any bodily torment, to deny Him or His truth.[2] And the trial soon came, and was most courageously encountered. Death, in one of its most terrible forms, was before him; he was earnestly exhorted to escape by abjuring his belief; but he steadily refused to purchase his pardon by retracting a single tenet, and encouraged his fellow-sufferer Gourlay in the same resolution. Both were burnt on the 27th of August 1534.[3] It was during this persecution that some men, who afterwards became active instruments in the Reformation, but whose minds were then in a state of inquiry and transition, consulted their safety by flight. Of these the most noted were, Alexander Aless, a canon of St Andrews, who became the friend of Melancthon and Cranmer, and professor of divinity in the university of Leipsic; and John Macbee, better known by his classical surname Machabæus, the favourite of Christiern, king of Denmark, and one of the translators of the Danish Bible.[4]

It was now one great object of Henry to induce his nephew to imitate his example by shaking off the yoke of Rome. To this end he made an earnest proposal for a marriage between James and his daughter the princess Mary; he despatched successively, Dr Barlow, his chaplain, and Lord William Howard into Scotland, with the suggestion that a conference should take place at York between himself and the Scottish king;[5] and he endeavoured to open James's eyes to the crimes and usurpations of the hierarchy of the Church of Rome. But it was the frequent fault of the English monarch that he defeated many a wise

1 Supra, p. 342.

2 MS. Calderwood, quoted in Pitcairn's Criminal Trials, vol. i. p. 210*, 211*. Spottiswood's Church History, p. 66.

3 The place of execution was the Rood or Cross of Greenside, on the Calton Hill, Edinburgh.

4 Gerdes' Hist. Evangelii Renovati, vol. iii. p. 417. M'Crie's Appendix to Life of Knox, vol. i. p. 357. Macbee's true name, as shewn by Dr M'Crie, on the authority of Gerdes and Vinding, was M'Alpine, a singular transformation.

5 It appears, from a copy of Henry's instructions to Lord William Howard, preserved in the State-paper Office, he not only proposes a conference at York, but suggests that James should afterwards accompany him to Calais, where they would meet the French king.

purpose by the impetuosity with which he attempted to carry it forward; and, in this instance, the keenness of Barlow and the haughtiness of Howard were ill calculated to manage so delicate a negotiation. James, acting by the advice of his privy-council, who were mostly ecclesiastics, and are described by Barlow as "the Pope's pestilent creatures, and very limbs of the devil," refused to accept the treatise entitled "The Doctrine of a Christian Man," which had been sent him by his uncle. The conference, to which, through the influence of the queen-dowager, the king had at first consented, was indefinitely postponed;[1] and the feelings of the sovereign and his counsellors regarding the marriage with an English princess, were soon plainly expressed by the despatch of an embassy to France for the purpose of concluding a matrimonial alliance with that crown.

The death of Clement the Seventh, which took place in the autumn of this year, was followed, as is well known, by the most decided measures upon the part of Henry the Eighth. The confirmation of his supremacy as head of the Church by the English parliament, the declared legality of the divorce, and the legitimacy of the children of Anne Boleyn, with the cruel imprisonment and subsequent execution of Fisher and More, convinced the new pontiff, Paul the Third, that he had for ever lost the English monarch. It only remained for him to adopt every method for the preservation of the spiritual allegiance of his remaining children. Amongst other missions he despatched his legate, Antonio Campeggio, into Scotland, with instructions to use every effort for the confirmation of James in his attachment to the popedom, whilst he trusted that the marriage of the second son of Francis the First to the Pope's niece, Catherine de Medici, would have the effect of enlisting the whole interest of this monarch against the dissemination of the Lutheran opinions in his dominions. To James, Campeggio addressed an exposition of the scandalous conduct of the English king in making his religious scruples, and his separation from the Church of Rome, a cloak for the gratification of his lust and ambition; he drew a flattering contrast between the tyranny and hypocrisy which had guided his conduct, and the attachment of his youthful nephew of Scotland to the Holy See, addressing him by that title of Defender of the Faith,[2] which had been unworthily bestowed upon its worst enemy; and he laid at his feet a cap and sword which had been consecrated by the Pope upon the anniversary of the Nativity. We are to measure the effects of such gifts by the feelings of the times, and there can be little doubt that their influence was considerable; but a permission from his holiness to levy an additional contribution upon his clergy, was, in the present distressed state of the royal finances, not the least efficacious of his arguments.

In the meantime the Scottish ambassadors in France had concluded a marriage between their sovereign and Marie de Bourbon, daughter of the Duke of Vendosme; whilst Henry, jealous of the late Papal embassy, and aware that such a union must confirm the attachment of his nephew to the Roman see, encouraged the discontents amongst the Scottish nobility, promoted the intrigues of the Douglases for their restoration to their native country, and even succeeded in corrupting the fidelity of James's ambassador, Sir Adam Otterburn, who was afterwards imprisoned for a secret negotiation, with the partisans of Angus.[3]

A parliament was held this summer, (June 8, 1535,) in which, amid much that is uninteresting to the historian,

[1] MS. Letter in State-paper Office. Queen Margaret to Henry the Eighth, dated 12th December 1535.

[2] It appears, by a letter in the State-paper Office, that Henry remonstrated against this title being given to James.

[3] In the State-paper Office is a letter from Otterburn to Cromwell, dated 18th of October, (probably of the year 1535,) in which he regrets that he was not able, from illness, to pay more attention to the English ambassadors; and states, that although they could not agree touching the authority of the Pope, he would use every effort to preserve the amity

there are found some provisions worthy of attention. It was made imperative on the Border barons and gentlemen to restore something like security to their disturbed districts, by rebuilding the towers and "peels" which had been razed during the late wars; "weapon-schawings," or armed musters, were enforced; and the importation of arms, harness, and warlike ammunition was encouraged. The act passed in a late parliament against the importation of the works of "the great heretic, Luther," with his disciples or followers, was repeated; and the discussion of his opinions, except with the object of proving their falsehood, was sternly prohibited, whilst all persons having any such works in their possession were commanded to deliver them up to their Ordinary within forty days, under the penalty of confiscation and imprisonment. It is evident that the late cruel exhibitions had only fostered the principles which they were meant to eradicate. One other act relating to the burghs, in that dark age the little nurseries of industry and freedom, is striking, and must have had important consequences. It appears that a practice had crept in of electing the feudal barons in the neighbourhood to the offices in the magistracy of the burgh; and the effects, as might have been anticipated, were highly injurious. Instead of industrious citizens occupied in their respective trades, and adding by their success to the wealth, the tranquillity, and the general civilisation of the country, the provost and aldermen or bailies were idle, factious, and tyrannical; domineering over the industrious burgesses, and consuming their substance. To remedy this, it was provided that no man hereafter should be chosen to fill any office in the magistracy of the burgh, but such as were themselves honest and substantial burgesses,—a wise enactment, which, if carried strictly into execution, must have been attended with the best effects.[1]

The continued war between Francis and the emperor made it expedient for the former monarch to keep on good terms with Henry; and so effectually was the English interest exerted, both at the court of France and of Scotland, in creating obstacles to the king's marriage, that James secretly determined to leave his dominions in disguise, and overrule every objection in a personal interview with his intended father-in-law,—a romantic and somewhat imprudent resolution, in which, however, it is not improbable that he may have been encouraged by some of his confidential advisers amongst the clergy. The vessel in which he embarked with his slender retinue encountered a severe gale; and the monarch, who had fallen asleep from fatigue, found himself on awakening once more close to the coasts of Scotland,—a result which some of our historians have ascribed to the jealousy of his companion, Sir James Hamilton, who, during the slumber of his master, seized the helm, and put about the ship. It is well known that the Hamiltons, from their hopes of succession to the crown, were opposed to the marriage; yet it may be questioned whether they would thus publicly expose their ambition.

But the king was not to be so easily deterred from his design; and his project of a voyage in disguise having failed, he determined to execute his purpose with suitable deliberation and magnificence. A regency was appointed, which consisted of Beaton, the archbishop of St Andrews; Dunbar, archbishop of Glasgow, the chancellor; the Earls of Eglinton, Montrose, and Huntly, with the Lord Maxwell; and the king, having first paid his devotions at the shrine dedicated to our Lady of Loretto near Musselburgh, and offered his prayers for a happy voyage, sailed from Leith with a squadron of seven vessels, accompanied by a splendid suite of his spiritual and temporal nobility. A fair wind brought

between the two kingdoms. The practices of Otterburn, and his secret correspondence with the English, had been of long duration. He seems to have been one of those busy intriguers who, in the minority of James, made a gain of giving secret information to England.

[1] Acts of the Parliament of Scotland, vol. ii. p. 349.

them on the 10th day to Dieppe; and Francis, whose hopes were at this moment highly elated by his successes against the emperor, immediately invited the royal visitor to Paris, and despatched the dauphin to conduct him thither. James's first desire, however, was to see his affianced bride; and, repairing in disguise to the palace of the Duke de Vendosme, he was recognised as he mingled with the gay crowds that peopled its halls, by his likeness to a miniature portrait which he had sent her from Scotland. Marie de Bourbon is said to have been deeply captivated by the noble mien and gallant accomplishments of her intended husband; but the impression was not mutual: and whether from the ambition of a higher alliance, or the fickleness of youthful affection, James transferred his love from the Lady of Vendosme to the princess Magdalen, the only daughter of Francis, a beautiful girl of sixteen, but over whose features consumption had already thrown a melancholy languor, which was in vain pointed out to the king by the warning voice of his counsellors. It is said by the French historians that the princess had fallen in love with the Scottish monarch at first sight; and, although her father earnestly and affectionately dissuaded the match, on account of her extreme delicacy of constitution, James would hear of no delay, and on new-year's day the marriage was celebrated with much pomp in the church of Notre Dame. The Kings of France and Navarre, and many illustrious foreigners, surrounded the altar; and Rome, as if to confirm and flatter its youthful champion, lent a peculiar solemnity to the ceremony by the presence of seven cardinals. Feasts, masks, tournaments, and all the accompaniments of feudal joy and magnificence succeeded; nor was it till the spring that the king thought of his departure with his youthful queen.

An application had been made by Francis to Henry that the royal couple should be allowed to pass through England, but it was refused. The secret reasons of this ungracious proceeding, which appear in a minute of the privy-council, were the discontent felt by the English monarch at the refusal of his request for the pardon of Angus, and a desire to avoid the expense of receiving his royal nephew with the honours due to his rank. Compelled to return by sea, James embarked at Dieppe, and arrived with his youthful bride at Leith on the 19th of May. On descending from the ship, Magdalen knelt upon the beach, and, taking up some portion of the sand, kissed it with deep emotion, whilst she implored a blessing upon her new country and her beloved husband,—an affecting incident, when viewed in connexion with her rapid and early fate. Meanwhile nothing could exceed the joy of the people at the return of their prince; and the graceful and elegant festivals of France were succeeded by the ruder, but not less cordial, pageants of his own kingdom.

James had remained in Paris for nearly nine months, an interval of no little importance when we consider the great changes which were so suddenly to succeed his arrival in his dominions. The causes of these events, which have hitherto escaped the notice of our historians, are well worthy of investigation. Of these the first seems to be the remarkable influence which Francis acquired over the mind of his son-in-law,—an influence which, notwithstanding the peace then nominally existing between Henry and the French monarch, was unquestionably employed in exciting him against England. The progress of the reformed opinions in France, the violence and selfishness of Henry, and the dictatorial tone which he was accustomed to infuse into his negotiations, although for the time it did not produce an actual breach between the two monarchs, could not fail to alienate so high-minded a prince as Francis. The Pope, whose existence seemed to hang on the result, intermitted no effort to terminate the disputes between the French king and the emperor, projecting a coalition against Henry as the common enemy of Christendom. He had so far succeeded in

1537, as to accomplish a truce concluded at Nice between these two great potentates, which was extended in the following year to a pacification of ten years. From this time the cordiality between Francis and Henry was completely at an end, whilst the Pope did not despair to bring about a combination which should make the royal innovator tremble for his boasted supremacy, and even for his throne. It was with this object that James was flattered by every argument which could have weight in a young and ardent mind, to induce him to unite himself cordially in the league. On the other hand, the conduct of Henry during the absence of the Scottish king was little calculated to ally the feelings of irritation and resentment which already existed between them. Sir Ralph Sadler, a minister of great ability, had been sent into Scotland to complete the system of secret influence and intelligence introduced and long acted on by Lord Dacre. He was instructed to gain an influence over the nobility, to attach to his interest the queen-mother, and to sound the inclinations of the people on the subject of peace or war—an adoption of the reformed opinions, or a maintenance of the ancient religion. The Douglases were still maintained with high favour and generous allowances in England; their power, although nominally extinct, was still far from being destroyed; their spies penetrated into every quarter, followed the king to France, and gave information of his most private motions;[1] their feudal covenants and bands of manrent still existed and bound many of the most potent nobility to their interest, whilst the vigour of the king's government, and his preference of the clergy to the temporal lords, disgusted these proud chiefs, and disposed them to hope for a recovery of their influence from any change which might take place.

All these circumstances were well known to the Scottish king, and a more prospective policy might perhaps have dictated a reconciliation with the Douglases as the likeliest means of accomplishing his great design for the maintenance of the Catholic religion and the humbling the power of England; but the tyranny of this haughty house, and the injuries which they had accumulated upon him, were yet fresh in his memory. He had determined that, so long as he lived, no Douglas should ever return to Scotland: he underrated, probably, the power possessed by a feudal nobility, and, being naturally endowed with uncommon vigour and resolution of mind, determined to attempt the execution of his plans, not only without their support, but in the face of their utmost endeavours against him. We may thus discern the state of parties at the return of James to his dominions. On the one hand is seen Henry the Eighth, the great foe to the supremacy of the see of Rome, supported in Scotland, not only by the still formidable power and unceasing intrigues of the Douglases, but by a large proportion of the nobles, and the talents of his sister, the queen-mother. On the other hand we perceive the King of Scotland, backed by the united talent, zeal, and wealth of the Catholic clergy, the loyalty of some of the most potent peers, the cordial co-operation of France, the approval of the emperor, the affection of the great body of his people, upon whom the doctrines of Luther had not as yet made any very general impression, and the cordial support of the Papal see. The progress of events will strongly develop the operation and collision of these various parties and interests. We shall be enabled to observe the slow but uninterrupted progress towards the reception of the great principles of the Reformation, and, amid much individual error and suffering, to mark the sublime manner in which the wrath and the sin of man are compelled to work out the predetermined purposes of a most wise and holy God.

To resume the current of events: the monarch had scarcely settled in his dominions, and entered upon the administration of the government, when his youthful and beautiful queen sunk under the disease which had so

[1] Letter of Penman to Sir G. Douglas. Caligula, b. iii. 293. Paris, 29th October 1536.

strongly indicated itself before her marriage; and, to the deep sorrow of her husband and the whole nation, expired on the 7th of July. The mind of the sovereign, although clouded for a season by the calamity, soon shook off the enervating influence of grief, and James demonstrated the firmness of purpose with which he had adopted his plans, in the decided step which he took within a few months after this sad event. David Beaton, bishop of Mirepoix, and afterwards the celebrated cardinal, was sent on a matrimonial embassy to France, accompanied by Lord Maxwell and the Master of Glencairn, where, with the least possible delay, he concluded the espousals between Mary of Guise, the widow of the Duke of Longueville, and his royal master. Nor was the full year of grief allowed to elapse before the princess arrived, and the king celebrated his second marriage in the cathedral church at St Andrews.[1] The ties which attached him to France were thus doubly strengthened, and the consequences of this union with the house of Guise may be long detected in those clouds of dark and complicated misfortune which were now slowly gathering around the country.

In the interval between the death of Magdalen and the union with Mary of Guise, the life of the monarch had been twice menaced by secret conspiracy; and there seems to be little doubt, that both plots are to be traced to the widely-spreading intrigues of the house of Douglas; nay, there is a strong presumption that they were directly connected with each other. The first plot, and that which seems to have attracted least notice, was headed by the Master of Forbes, a fierce and turbulent chief, distinguished, under the government of Albany, for his murder of Seton of Meldrum, and his subserviency to the schemes of England. This person was tried, condemned, and executed on the same day; but unfortunately, in the absence of all authentic records, it is difficult to detect the particulars of the conspiracy. Having married a sister of the Earl of Angus, he was naturally a partisan of the Douglases; and, upon their fall from power, and subsequent banishment from Scotland, he appears to have vigorously exerted himself in those scenes of private coalition and open violence by which their friends attempted to promote their interests and accelerate their return. For the same reason he had been a decided enemy of Albany during his government, and the refusal of the Scottish lords encamped at Wark to lead their vassals against England, was mainly ascribed to his conduct and counsel,—a proceeding which was, in the eye of law, an act of treason, as Albany was then regent by the appointment of the three estates. There is no evidence that any notice was taken of this at the time, but as early as the king's journey to France, in June 1536, Forbes had been accused by Huntly of a design to shoot the king as he passed through his burgh of Aberdeen, and of conspiring the destruction of a part of the army of Scotland,—charges upon which both himself and his father, Lord Forbes, were then imprisoned; nor did the trial take place till upwards of fourteen months after. The meagre details of our early criminal records, unfortunately, do not permit us to ascertain the nature of the proofs against him. He was found guilty by a jury, against whom Calderwood has brought an unsupported assertion that they were corrupted by Huntly,[2] but, as far as can be discovered, the accusation seems unjust: no bias or partiality can be traced to any of the jurymen; no previous animosity can be established against Huntly, but rather the contrary;[3] and the

[1] Henry the Eighth, as it appears by the Ambassade de M. Chatillon, Lettres Dec. 10 and 11, had become, by the report of Mr Wallop, one of his agents, enamoured of the same lady, chiefly on account of her large and comely size. He demanded her of Francis, and took the refusal violently amiss, although it was stated to him that the contract of marriage between this princess and James the Fifth had been solemnly concluded. Carte's History, vol. iii. p. 152.

[2] Calderwood Hist. MS. quoted in Pitcairn's Criminal Trials, p. 183.

[3] Pitcairn's Collection of Criminal Trials, pp. 183–187 inclusive.

leniency of James, in the speedy liberation of Lord Forbes, in admitting the brother of the criminal to an office in his household, and abstaining from the forfeiture of his estates, prove the absence of everything like vindictive feeling. All men rejoiced at the acquittal of the father, and some doubted whether the crime for which he suffered was brought home to the son, but none lamented the fate of one already stained by murder and spoliation of a very atrocious description.[1] Over the story of assassinating the king the obscurity is so deep, that all efforts to reach its truth, or even its circumstances, are baffled; but of the refusal to invade England, and the endeavour to compass the destruction and dishonour of the Scottish army, there can be little doubt that Forbes was guilty in common with many other peers. Nor is it to be forgotten that Albany, on his return from this unfortunate expedition, accused the Scottish nobles not only of retiring in the face of the enemy, but of entertaining a secret design of delivering him to the English.[2] It is not improbable that the secret reason for the long delay of the trial is to be found in the anxiety of the king to obtain from Albany, who was then in France, decisive evidence against the criminal.

The other conspiracy, of which the guilt was more certain, and in its character more dreadful, excited a deeper interest and sympathy, from the sex and beauty of the accused. Janet Douglas, the sister of the banished Angus, had married Lord Glammis, and, after his death, took to her second husband a gentleman named Campbell of Skipnish. Her son, Lord Glammis, was in his sixteenth year, and she, a youthful matron, in the maturity of her beauty, had mingled little with the court since the calamity of her house. A week had scarcely passed since James had paid the last rites to his beloved queen, and the mind of the monarch was still absorbed in the bitterness of recent grief, when, to the astonishment of all men, this noble matron, only two days after the execution of the Master of Forbes, was publicly arraigned of conspiring the king's death by poison, pronounced guilty, and condemned to be burned.[3] She suffered her dreadful fate with the hereditary courage of her house; and the sympathy of the people, ever readily awakened, and unenlightened by any knowledge of the evidence brought against her, too hastily pronounced her innocent, ascribing her condemnation to James's inveterate hostility to the Douglases. Her son, Lord Glammis, a youth in his sixteenth year, was convicted, upon his own confession, that he knew and had concealed the conspiracy; but the monarch commiserated his youth, and the sentence of death was changed into imprisonment; Archibald Campbell of Skipnish, her husband, having been shut up in the castle of Edinburgh, in attempting to escape, perished miserably by being dashed to pieces on the rocks; John Lyon, an accomplice, was tried and hanged; whilst Makke, by whom the poison had been prepared, and from whom it was purchased, escaped with the loss of his ears and banishment.[4] It must be confessed that the circumstances of this remarkable tragedy are involved in much obscurity; but an examination of the

1 Pitcairn's Criminal Trials, vol. i. pp. 183, 187. See letter Z, in Notes and Illustrations, on the trial of Lady Glammis.

2 Caligula, b. i. 281. Letter of Queen Margaret to Surrey, "Bot he thynketh na schame of it, for he makyth hys excuse that the lords wold not pass in Ingland with hym; also that my lord of Aren, and my lord of Lenos, wyth other lordys, he sayth, that they wold haf seld hym in Ingland."

3 The Master of Forbes was tried, condemned, and executed on the 14th of July; Lady Glammis was tried, condemned, and executed on the 17th of the same month.—Pitcairn's Criminal Trials, vol. i. pp. 184. 190. Lord Glammis was tried and found guilty on the 10th July. His confession was probably employed as evidence against his mother.

4 Pitcairn's Criminal Trials, vol. i. pp. 199, 202, 203. John Lyon was found guilty, at the same time, of an attempt to poison the Earl of Rothes; the families of Rothes and Glammis were connected. The mother of John, sixth Lord Glammis, (Lady Glammis's husband,) was Elizabeth Grey. On the death of her first husband, John, fourth Lord Glammis, she married Alexander, third Earl of Huntly; and on his death she married George, earl of Rothes. Douglas, vol. ii. pp. 429, 563. Vol. i. pp. 646, 663.

evidence which has been lately published, leaves upon the mind little doubt of her guilt.[1]

Although James supported his clergy in their persecution of the Protestant doctrines, which were now rapidly gaining ground in the country, it was not so much with the zeal of a bigot as with the views of a politician. That he was not indisposed to a moderate reformation of the abuses in the Catholic Church is evident from the liberality with which he permitted the exhibition of the dramatic satire of Lindsay, and the severity of his censures upon the excesses of some of the prelates; but his determination to humble the power of the nobles, to destroy the secret influence of England, and to reign a free monarch over an independent kingdom, was, he thought, to be best accomplished by the assistance of the great body of the clergy, whose talents, wealth, and influence formed the only effectual counterpoise to the weight of the temporal peers. The impetuosity of the character of Henry, and the haughtiness with which he dictated his commands, alienated from him the mind of his nephew, and disposed him to listen with greater favour to the proposals of Francis and the wishes of the house of Guise. The state of England also encouraged him to hope that the king would be soon too much engrossed with his domestic affairs to find leisure for a continuance of his intrigues with Scotland. The discontents amongst his Catholic subjects had become so deep and general that within no very long period three insurrections had broken out in different parts of the country; various prophecies, songs, and libellous rhymes, which spoke openly of the accession of the Scottish monarch to the English throne, began to be circulated amongst the people; and numerous parties of disaffected Catholics, intimidated by the violence of Henry, took refuge in the sister kingdom. James, indeed, in his intercourse with the English council, not only professed his contempt for such "fantastic prophecies," but ordered that all who possessed copies of them should instantly, under the penalty of death and confiscation, commit them to the flames;[2] yet, so far as they indicated the unpopularity of the king, it may be conjectured that he regarded them with satisfaction. Another event which happened about this time was attended with important consequences. James Beaton, archbishop of St Andrews, who had long exercised a commanding influence over the affairs of the kingdom, died in the autumn of the year 1539, and was succeeded in the primacy by his nephew, Cardinal Beaton, a man far superior in talent, and still more devotedly attached to the interests of the Church from which he derived his exaltation. It was Beaton who had negotiated the second marriage of the king with Mary of Guise; and such was the high opinion which his royal master entertained of his abilities in the management of state affairs, that he appears soon to have selected him as his principal adviser in the accomplishment of those great schemes which now occupied his mind.

Beaton's accession to the supreme ecclesiastical authority was marked by a renewed persecution of the Reformers. It was a remarkable circumstance that however corrupt may have been the higher orders of the Roman Catholic Church at this period in Scotland, the great majority of converts to the principles of the Reformation were to be found amongst the orders of the inferior clergy. This was shewn in the present persecution. Keillor, a black friar; Dean Thomas Forret, vicar of Dollar, and a canon regular of the monastery of St Colm's Inch; Simp-

[1] See in the Illustrations, a note on the conspiracy of the Lady Glammis, letter Z. That this unfortunate lady, by her secret practices with the Earl of Angus and the Douglases, had brought herself within the statute which made such intercourse treason, is certain; but her participation in any conspiracy against the king has been much questioned, as it appears to me, on insufficient grounds.

[2] Caligula, b. i. 295. James in an original letter to the Bishop of *Landeth*, (Landaff,) dated 5th of February, in the 36th year of his reign, informs him that he suspects such ballads are the composition either of Henry's own subjects, or of Scottish rebels residing in England.

son, a priest; John Beveridge, also black friar; and Forrester, a notary in Stirling, were summoned to appear before a council held by Cardinal Beaton and William Chisholme, the bishop of Dunblane. It gives us a low opinion of the purity of the ecclesiastical judges before whom these early disciples of the Reformation were called when we find the bench filled by Beaton and Chisholme—the first notorious for his gallantry and licentiousness, the second commemorated by Keith as the father of three natural children, for whom he provided portions by alienating the patrimony of his bishopric.[1]

Friar Keillor had roused the indignation of the Church by the composition of one of those plays, or dramatic "mysteries," common in these times, in which, under the character of the chief priests and Pharisees who condemned our Saviour, he had satirised the prelates who persecuted his true disciples. Against Forret, who owed his conversion to the perusal of a volume of St Augustine, a more singular charge was preferred, if we may believe the ecclesiastical historian. He was accused of preaching to his parishioners, a duty then invariably abandoned to the orders of friars, and of exposing the mysteries of Scripture to the vulgar in their own tongue. It was on this occasion that Crichton, bishop of Dunkeld, a prelate more celebrated for his generous style of living and magnificent hospitality than for any learned or theological endowments, undertook to remonstrate with the vicar, observing, with much simplicity, that it was too much to preach every Sunday, as it might lead the people to think that the prelates ought to preach also: "Nevertheless," continued he, "when thou findest any good epistle or gospel which sets forth the liberty of the Holy Church, thou mayst read it to thy flock." The vicar replied to this, that he had carefully read through both the Old and New Testament, and in its whole compass had not found one evil epistle or gospel, but if his lordship would point them out, he would be sedulous in avoiding them.

[1] Keith's Catalogue, p. 105.

"Nay, brother Thomas, my joy, that I cannot do," said the bishop, smiling, "for I am contented with my breviary and pontifical, and know neither the Old or New Testament, and yet thou seest I have come on indifferently well; but take my advice, leave these fancies, else thou mayst repent when it is too late."[2] It was likewise objected to Forret, upon his trial, that he had taught his parishioners the Lord's Prayer, the Ten Commandments, and the Creed, in the vulgar tongue; that he had questioned the right of taking tithes, and had restored them to the poorer members of his flock. His defence, which he grounded on Scripture, was received with insult; his Bible plucked from his hand by Lauder, who denounced as heretical the conclusions he had drawn from it, and himself and his companions condemned to the stake. The sentence was executed on the Castlehill of Edinburgh, on the 31st February 1538–9.[3] But such cruel exhibitions were not confined to the capital. In the same year, Kennedy, a youth of eighteen years of age, and Russel, a gray friar, were found guilty of heresy, and burnt at Glasgow; Archbishop Dunbar having, it is said, in vain interceded with the cardinal to spare their lives. Kennedy is described by Knox as one who possessed a fine genius for Scottish poetry; and it is not improbable he may, like Lindsay and Dunbar, have distinguished himself by some of those satirical effusions against the higher clergy, which, it is well known, were not the least efficient weapons in preparing the way for the Reformation. But the prospect of so cruel a death shook his resolution, and it was expected he was about to recant, when the exhortations of Russel, a meek but courageous partisan of the new doctrines, produced a sudden change. Falling on his knees, he blessed the goodness and mercy of God, which had saved him from impending destruction, and breaking out into an ecstacy of triumph, declared he now coveted death, and would readily endure the

[2] MS. Calderwood, Pitcairn, vol i. p. 212*.
[3] Diurnal of Occurrents in Scotland, p. 23.

utmost tortures they could inflict. "Now," said Russel, fixing his eyes on the prelates who presided—"Now is your hour, and the power of darkness; ye now sit in judgment, whilst we stand before you falsely accused and most wrongfully condemned. But the day is coming when we shall have our innocence declared, and ye shall discover your blindness—meanwhile proceed, and fill up the measure of your iniquities."[1]

The effect of these inhuman executions was highly favourable to the principles of the Reformation, a circumstance to which the eyes of the clergy, and of the monarch who lent them his sanction, were completely blinded; and it is extraordinary they should not have perceived that they operated against them in another way by compelling many of the persecuted families to embrace the interests of the Douglases.

The continued and mutual inroads upon the Borders now called loudly for redress; and Henry, having despatched the Duke of Norfolk, his lieutenant in the north, to punish the malefactors, the Scottish king, in a letter addressed to that nobleman, not only expressed his satisfaction with this appointment, but his readiness to deliver into his hands all English subjects who had fled into Scotland.[2] The presence of the English earl in the disturbed districts was soon after followed by the mission of Sir Ralph Sadler to the Scottish court, an event accelerated by the intelligence which Henry had received of the coalition between Francis the First and the emperor, and by his anxiety to prevent his nephew from joining the confederacy against him. Of Sadler's reception and negotiation we fortunately possess an authentic account, and it throws a clear light upon the state of parties in Scotland.

His instructions directed him to discover, if possible, James's real intentions with regard to the league by the emperor and Francis against England; to ascertain in what manner the monarch was affected towards the reformed opinions, and by an exposure of the tyranny of the Papal power, the scandalous lives of the majority of the clergy, and the enormous wealth which had been engrossed by the Church, to awaken the royal mind to the necessity and the advantage of a suppression of the monasteries, and a rupture with the supreme pontiff. To accomplish this more effectually, the ambassador carried with him certain letters of Cardinal Beaton, addressed to Rome, which had accidentally fallen into Henry's hands, and the contents of which it was expected would awaken the jealousy of his master, and lead to the disgrace of the cardinal; whilst Sadler was to renew the proposal for a personal conference between the two princes, and to hold out to his ambition the hope of his succession to the crown of England, in the event of the death of Henry's infant and only son, Prince Edward.[3]

On his arrival in Scotland the ambassador was welcomed with cordiality, and although he failed in the main purpose of his mission, his reception indicated a desire upon the part of James to preserve the most amicable relations with England. This prince declared, and apparently with sincerity, that if Henry's conduct corresponded to his professions, nothing should induce him to join in any hostile coalition with Charles or Francis, but he steadily refused to imitate his example in throwing off his allegiance to the head of the Church, dissolving the monasteries, or abjuring the religion of his fathers. As to the letters of the cardinal, the king remarked that he had already seen them; and he smiled with polite contempt when Sadler attributed to Beaton a scheme for the usurping the government of his realm, and placing it in the hands of the Pope. He admitted, at the same time, the profligacy of some of his clergy, and declared with an oath that

[1] MS. Calderwood, Pitcairn's Criminal Trials, vol. i. p. 216.

[2] Original letter in the State-paper Office.

[3] It gives us a mean opinion of the wisdom of the English monarch, to find Sadler instructed to remonstrate with James upon his unkingly mode of increasing his revenue, by his keeping vast flocks of sheep, and busying himself in other agricultural pursuits.

he would compel them to lead a life more suitable to their profession; but he pronounced a merited eulogium on their superior knowledge and talents, their loyalty to the government, and their readiness to assist him in his difficulties. When pressed upon the point of a conference, he dexterously waved the subject, and, without giving a refusal, declared his wish that his ally the King of France should be present on the occasion,—a condition upon which Sadler had received no instructions. On the whole, the conference between James and the ambassador placed in a favourable light the prudence and good sense of the Scottish monarch, under circumstances which required the exertion of these qualities in no common degree.[1]

He now meditated an important enterprise, and only awaited the confinement of the queen to carry it into effect.[2] The remoter portions of his kingdom, the northern counties, and the Western and Orkney Islands, had, as we have already seen, been grievously neglected during his minority; they had been torn by the contentions of hostile clans; and their condition, owing to the incursions of the petty chiefs and pirate adventurers who infested these seas, was deplorable. This the monarch now resolved to redress, by a voyage conducted in person, and fitted out upon a scale which had not before been attempted by any of his predecessors. A fleet of twelve ships was assembled, amply furnished with artillery, provided for a lengthened voyage, and commanded by the most skilful mariners in his dominions. Of these, six ships were appropriated to the king, three were victuallers, and the remaining three carried separately the cardinal, the Earl of Huntly, and the Earl of Arran.[3] Beaton conducted a force of five hundred men from Fife and Angus; Huntly and Arran brought with them a thousand, and this little army was strengthened by the royal suite, and many barons and gentlemen who swelled the train of their prince, or followed on this distant enterprise the banner of their chiefs. It was one laudable object of the king in his voyage, to complete an accurate nautical survey of the northern coasts and isles, for which purpose he carried with him Alexander Lindsay, a skilful pilot and hydrographer, whose charts and observations remain to the present day.[4] But his principal design was to overawe the rebellious chiefs, to enforce obedience to the laws, and to reduce within the limits of order and good government a portion of his dominions, which, for the last thirty years, had repeatedly refused to acknowledge their dependence upon the Scottish crown.

On the 22d of May, to the great joy of the monarch and his people, the queen presented them with a prince, and James, whose preparations were complete, hoisted the royal flag on board the admiral's ship, and favoured with a serene heaven and a favourable breeze, conducted his fleet along the populous coasts of Fife, Angus, and Buchan, till he doubled the promontory of Kennedar.[5] He next visited the wild shores of Caithness, and crossing the Pentland Firth was gratified on reaching the Orkneys by finding these islands in a state of greater improvement and civilisation than he had ventured to expect. Doubling Cape Wrath the royal squadron steered for the Lewis, Harris, and the isles of North and South Uist; they next crossed over to Skye, made a descent upon Glenelg, Moidart, and Ardnamurchan, circumnavigated Mull, visited Coll and Tiree, swept along the romantic coast of Argyle, and passing the promontory of Cantire, delayed a while on the shores of Arran, and cast anchor beside the richer and more

[1] Sadler's State-papers, vol. i. pp. 29, 30.

[2] Caligula, b. iii. 219. "Albeit it is said the kynge of Scottis causes the schippys to be furnysched and in a redines, and after the queene be delivered he will go hymself." J. Thompson to Sir Thomas Wharton, Carlisle, May 4, 1540.

[3] "Ther be preparyt in all twelf shyppys, whereof thre as is aforesaid for the cardinall and the two erlys, and thre other shypis for vytalis only, and six for the kyng and hys trayne, . . . the said ships ar all weil ordanansyd." Edward Aglionby to Sir Thomas Wharton, Carlisle, May 4, 1540. Caligula, b. iii. 217.

[4] Harleian MSS. 3996.

[5] Probably Kinnaird's Head is here meant.

verdant fields of Bute. Throughout the whole progress, the voyage did not exhibit exclusively the stern aspect of a military expedition, but mingled the delight of the chase, of which James was passionately fond, with the graver cares and labours of the monarch and the legislator. The rude natives of these savage and distant regions flocked to the shore to gaze on the unusual apparition, as the fleet swept past their promontories; and the mountain and island lords crowded round the royal pavilion, which was pitched upon the beach, to deprecate resentment and proffer their allegiance. The force which was aboard appears to have been amply sufficient to secure a prompt submission upon the part of those fierce chieftains who had hitherto bid defiance to all regular government, and James, who dreaded lest the departure of the fleet should be a signal for a return to their former courses, insisted that many of them should accompany him to the capital, and remain there as hostages for the peaceable deportment of their followers.[1] Some of the most refractory were even thrown into irons and confined on board the ships, whilst others were treated with a kindness which soon substituted the ties of affectionate allegiance for those of compulsion and terror.[2] On reaching Dumbarton, the king considered his labours at an end, and giving orders for the fleet to proceed by their former course to Leith, travelled to court, only to become exposed to the renewed enmity of his nobles.

Another conspiracy, the third within the last three years, was discovered, and its author, Sir James Hamilton, arrested and brought to trial on a charge of treason. This baron, who has been already mentioned as notorious for his cruelty in an age not fastidious in this respect, was the illegitimate son of the Earl of Arran, and had acquired over the early youth of the king an influence, from which his more advanced judgment recoiled. Such, however, was his power and wealth, that it was dangerous to attempt anything against him, and as he was a zealous and bigoted supporter of the ancient religion, he could reckon on the friendship of the clergy. His temper was passionate in the extreme, and during the king's minority had often hurried him into excesses, which, under a government where the law was not a dead letter, might have cost him his head; but he had hitherto escaped, and latterly had even experienced the king's favour. Such was the state of things when the monarch, who had left the capital to pass over to Fife, was hurriedly accosted by a stranger, who demanded a speedy and secret audience, as the business on which he had been sent was of immediate moment, and touched the king's life. James listened to the story, and taking a ring from his finger, sent it by the informer to Learmont, master of the household, and Kirkaldy, the treasurer, commanding them to investigate the matter and act according to their judgment of its truth and importance.[3] He then pursued his journey, and soon after received intelligence that Hamilton was arrested. It was found that his accuser was James Hamilton of Kincavil, sheriff of Linlithgow, and brother to the early reformer, Patrick Hamilton, in whose miserable death Sir James had taken an active part. The crime of which he was arraigned was of old standing, though now revealed for the first time. It was asserted that Hamilton, along with Archibald Douglas of Kilspindy, Robert Leslie, and James Douglas of Parkhead, had in the year 1528 conspired to slay the king, having com-

[1] Lesley, p. 157. Maitland, vol. ii. p. 814.

[2] The names of the chiefs seized by James in this expedition may be interesting to some of my readers. In Sutherland, Donald Mackay of Strathnaver; in the Lewis, Roderick Macleod and his principal kinsmen; in the west of Skye, Alexander Macleod of Dunvegan, or of Harris; in the north of Skye, at Trouterness, John Moydertach, captain of clan Ranald, Alexander of Glengarrie, and others who were chieftains of "MacConeyllis kin," by which we must understand relatives of the late Donald Gruamach of Sleat, who was understood to have the hereditary claim to the lordship of the isles; in Kintail, John Mackenzie, chief of that clan; Cantire and Knapdale, Hector Maclean of Dowart and James Macconnel of Isla.

[3] Drummond, 110. Maitland, 825.

municated their project to the Earl of Angus and his brother, Sir George Douglas, who encouraged the atrocious design.[1] Some authors have asserted that the intention of Hamilton was to murder James, by breaking into the royal bed-chamber,[2] but in the want of all contemporary record of the trial, it is only known that he was found guilty and instantly executed. His innocence he is said to have affirmed to the last,[3] but no one lamented the death of a tyrannical baron, whose hands were stained by much innocent and unavenged blood; and the fate of the brave and virtuous Lennox who had been murdered by him after giving up his sword, was still fresh in the recollection of the people.[4]

After the execution, the monarch is represented by some of our historians as having become a stranger to his former pleasures, and a victim to the most gloomy suspicions; his court, to the retreat of elegant enjoyment, was for a while transformed into the solitary residence of an anchorite or a misanthropist, and awakening to the conviction that he was hated by his nobility, many of whom had retired to their castles alarmed at the fate of Hamilton, he began to fear that he had engaged in a struggle to which he might fall a victim. For a while the thought preyed upon his peace, and disturbed his imagination. His sleep became disturbed by frightful visions; at one time he would leap out of his bed, and, calling for lights, command his attendants to take away the frightful spectacle which stood at his pillow, and assumed the form of his "Justiciar," who cursed the hour he had entered his service; at another, his chamberlain was awakened by groans in the royal apartment, and entering, found the king sitting up in bed, transfixed with terror, and declaring that he had been visited by the bastard of Arran, who brandished a naked sword, and threatened to lop off both his arms, affirming that he would return, after a short season, and be more fully revenged.[5] These stories, whether we believe or reject them, were undoubtedly so far founded in truth, that the king became deeply engrossed and agitated by the difficulties of his situation, and it is no unusual thing to find the visions of the night borrowing their gloomy and fantastic pictures from the business of the day; but James's mind, however paralysed for the moment, was composed of too strong materials to be shaken by such ideal terrors, and as it recovered its strength he soon resumed his wonted activity.

A parliament which assembled in the month of December, and a second meeting of the three estates convoked in the succeeding March, deliberated upon some subjects of great importance. To preserve the peace with England, to support the Church, now hourly becoming more alarmed by the acknowledged progress of the reformed opinions, to strengthen the authority of the crown, and humble the power of the nobles, were at this moment the leading features of the policy adopted by the Scottish monarch: and easy as it is to detect his errors when we, illuminated by the light of nearly three centuries of increasing knowledge, look back upon the past, it would scarcely be just to condemn that conduct which sought to maintain the independence of the kingdom, and the religion of his fathers against what he esteemed the attacks of heresy and revolution. When in France, in 1537, James had published at Rouen a revocation of all the grants of lands, which during his minority had been alienated from the crown, and he now followed this up by a measure, upon the strict justice of which the want of contemporary evidence precludes us from deciding. This was an act of annexation to the crown of all the isles north and south of the two Cantires, commonly called the Hebrides. That these districts had been the scenes of constant treason and open defiance of the laws, must be acknowledged, and at this moment James re-

[1] Acts of the Parliament of Scotland, vol. ii. p. 423.

[2] Anderson, MS. History, in Pitcairn's Criminal Trials, p. 229.

[3] Lesley, p. 158.

[4] Supra, p. 339.

[5] Drummond, 111.

tained in various prisons many of their chiefs whose lives had been pardoned on their surrender of their persons during his late expedition to his insular dominions. But whether it was just or prudent to adopt so violent a measure as to annex the whole of the isles to the crown as forfeited lands may be doubted. To these also were added the Orkney and Shetland Isles, the seat of the rebellion of the Earl of Caithness, with the lordships of Douglas, Bonkill, Preston, Tantallon, Crawford-Lindsay, Crawford-john, Bothwell, Jedburgh forest, and the superiority of the county or earldom of Angus. But this was not all; Glammis with its dependencies, Liddesdale, the property of Bothwell, who was attached to the Douglases, and Evandale, the estate of Sir James Hamilton, increased the growing power of the crown, and even the best disposed among the nobility trembled for themselves when they observed the unrelenting rigour of the monarch and the rapid process of the law. Having thus strengthened his hands by this large accession of influence, James attempted to conciliate the uneasy feelings of the aristocracy by a general act of amnesty for all crimes and treasons committed up to the day of its publication; but unfortunately its healing effects were defeated by the clause which excepted the banished Earl of Angus, his brother, Sir George Douglas, and the whole body of their adherents. Nor was the sternness of regal legislation confined to the hated Douglases. The Catholic clergy, whose councils were gradually gaining influence in the bosom of the monarch, procured the passing of many severe statutes against heresy. To argue against the supreme authority, or to question the spiritual infallibility of the Pope, was made a capital offence; no person even suspected of entertaining heretical opinions was to be admitted to any office in the government, whilst those who had fled from judicial examination were to be held as confessed, and sentence passed against them. All private meetings or conventicles, where religious subjects were debated, were declared illegal, rewards were promised to those who revealed where they were held; and such was the jealousy with which the Church provided against the contamination of its ancient doctrines, that no Catholic was to be permitted to converse with any one who had at any time embraced heretical opinions, although he had repented of his apostacy and received absolution for his errors. It is more pleasing to notice that in the same parliament the strongest exhortations were given to Churchmen, both of high and low degree, to reform their lives and conversation, whilst the contempt with which the services of religion had been lately regarded was traced directly to the dishonesty and misrule of the clergy, proceeding from their ignorance in divine and human learning and the licentiousness of their manners. For the more general dissemination of the knowledge of the laws amongst the inferior judges and the great body of the people, the acts of parliament were ordered to be printed from an authentic copy attested by the sign-manual of the clerk register; and an act passed at the same time against the casting down of the images of the saints, informs us that the spirit of demolition, which afterwards gathered such strength, had already directed itself with an unhappy narrowness of mind against the sacred edifices of the country.[1]

Other enactments in a wise spirit provided for the more universal and impartial administration of justice by the sheriffs and temporal judges throughout the realm. The abilities of deputies or inferior judges, the education and election of notaries, and the ratification of the late institution of the College of Justice, form the subjects of some important changes; various minute regulations were introduced concerning the domestic manufactures and foreign commerce of the country, and to defend the kingdom against any sudden project for its invasion (a measure which

[1] Acts of the Parliament of Scotland, vol. ii. p. 370.

the violent temper of Henry rendered by no means improbable) the strictest orders were given for the observance of the stated military musters, and the arming of all classes of the community. It was declared that the army of Scotland should fight on foot, that the yeomen who brought horses with them should only use them for carriages or baggage waggons, and that none should be permitted to be mounted in the host except earls, barons, and great landed proprietors. Such leaders were directed to be armed in white harness, light or heavy according to their pleasure, and with the weapons becoming their rank; whilst all persons whose fortune was below a hundred pounds of yearly rent, were to have a jack, or a halkrick,[1] or brigantine, and gloves of plate, with *pesane* and gorget; no weapons being admitted by the muster officer, except spears, pikes of six ells length, Leith axes, halberds, handbows and arrows, cross-bows, culverins, and two-handed swords.

Such in 1540 were the arms of the Scottish host;[2] and these cares for the increase of the military strength of his dominions were succeeded on the part of the king by more decided demonstrations. A proclamation was read in the capital, and forwarded to every part of the country, by which all persons between sixteen and sixty years of age were commanded to be ready on a warning of twenty-four hours to join the royal banner, armed at all points; and a train of sixteen great, and sixty lesser cannon was ordered to be fitted out, to take the field within twenty days after Easter. It may be doubted, however, whether such symptoms of impending hostility were not rather preventive than preparatory of war. The individual feelings of the sovereign at this moment appear to have been in favour of a reform in the Church, a measure almost synonymous with a peace with England; he not only permitted, but encouraged and sanctioned by his presence, the celebrated play of Lindsay, which, under the name of a satire on the three estates, embodied a bitter attack upon the Catholic clergy; he remonstrated with the prelates on the scandalous lives of some of their body; and if we may give full credit to the representations of the Duke of Norfolk,[3] who repeated the information of an eye-witness, he began to look with a covetous longing upon the immense revenues, and meditated, at least so the clergy dreaded, the appropriation of a portion of the possessions of the Church. Yet the same authority pronounces him a decided enemy to the power and interference of England in the internal administration of his kingdom; and the queen, whose influence over her husband was increased at this time by the birth of another prince, was a devoted adherent of Rome. To counteract the disposition of the sovereign towards the Reformation, the great reliance of Beaton and the prelates was in the prospect of a war with England; for the attainment of this object no industry and no intrigues were omitted, no sacrifice considered too dear; and it unfortunately happened that the violence of Henry the Eighth, with the unrelenting enmity of the Scottish monarch against the Douglases, and that large portion of the nobility connected with them by alliance or by interest, presented the two kings with materials of mutual provocation, of which they well knew how to avail themselves.

In the midst of these transactions the queen-mother was taken ill at Methven, the castle of her husband, and died after a varied and turbulent life, during the latter years of which she had lost all influence in the affairs of the kingdom. Great violence of temper, a devotedness to her pleasures, and a disregard of public opinion, were qualities in which she strongly resembled her brother, Henry the Eighth; and after the attempt to accomplish a divorce from Methven, her third husband which for the sake of decency was quashed by her son,

[1] A corslet.

[2] Acts of the Parliament of Scotland, vol. ii. p. 362.

[3] Norfolk to Lord Privy Seal, 29th March 1543. Caligula, b. vii. 228.

she appears to have been neglected by all parties. Her talents, had they not been enslaved to her caprice and passion, were of a high order, as is amply proved by that large and curious collection of her original letters preserved in our national archives;[1] but the influence she exerted during the minority of her son was mischievous, and her individual character such as could not long command either affection or respect. She was interred with much solemnity and magnificence in the church of the Carthusians, at Perth, in the tomb of its founder, James the First.

The decease of the queen was followed by an event which plunged the court and the people into sincere grief. Arthur, duke of Albany, the infant prince whose birth had lately given such joy to his royal parents, was suddenly cut off at Stirling by some infantine disease; and scarcely had he ceased to breathe, when Prince James, the eldest born, and heir to the throne, was attacked with a similar malady, which defied all human skill, and hurried him within a brief period to share the grave of his brother.[2] It was a blow which fell heavily upon the affections of the monarch; and, in a political point of view, its consequences were equally distressing; it shook the security of a sovereign, who was at variance with his nobility, and whose throne needed, on that account, the support communicated by the certainty of succession; but James never permitted his cares and duties to be long interrupted by an excessive indulgence in sorrow, and he wisely sought for alleviation in an attention to those peaceful arts, which were intimately connected with the welfare of his kingdom. From France and Flanders, from Spain and Holland, he invited the most skilful artisans, in those various branches of manufacture and industry, wherein they excelled his subjects, inducing them by pensions to settle in the country; he improved the small native breed of the Scottish horses by importations from Denmark and Sweden;[3] and anxious for the encouragement of useful learning, he visited the University of Aberdeen in company with his queen and his court, listened to the classic declamations of the students, and enjoyed the dramatic entertainments which were recited, during a residence of fifteen days, in this infant seat of the Scottish Muses. On his return, a mission of Campbell of Lundy to the Netherlands, for the redress of some grievances connected with the fisheries, and an embassy of Beaton and Panter, the secretary of the king, to Rome, evinced that the royal mind had recovered its wonted strength and activity. The avowed object of the cardinal was to procure his nomination as Papal legate within the dominions of his master; but there can be little doubt that his secret instructions, which unfortunately have not been preserved, embraced a more important design. The extirpation of heresy from Scotland, and the re-establishment of the Catholic faith in the dominions of Henry the Eighth, by a coalition between Francis, James, the emperor, and the Papal see, formed, it is probable, the main purpose of Beaton's visit. Events, however, were now in progress, which counteracted his best laid schemes; and the rupture which soon after took place between Francis and the emperor, for the present dissolved the meditated confederacy.

It was this moment which the English monarch selected for a second embassy of Sadler to the court of his nephew; and, had Henry's instructions to his ambassador been less violent, a favourable impression might have been made; but James, who never forgot his station as an independent prince, was not to be threatened into a compliance with a line of policy which, if suggested in a tone of conciliation, his judgment might perhaps have approved; and if the English ambassador besought him not to "be as brute

[1] In the State-paper Office and the British Museum.

[2] Pinkerton, vol. ii. 371.

[3] Epistolæ Regum Scotorum, vol. ii. p. 36: —"Cataphractos aliquot e regno tuo desideramus."

as a stocke," or to suffer the practices of juggling prelates to lead him by the nose, and impose a yoke upon his shoulders, the spirit of the prince must have been roused by the insolence of such language to a deeper resentment than he had yet felt against his uncle.[1] Yet, although inimical to the purposes of the embassy, the request of Henry, that James should meet him in a conference to be held on the Borders, was received with a less marked opposition; and before the departure of Sadler, the monarch appears to have given a reluctant assent to the interview.[2] It, however, most inopportunely happened, that at this time the English Borderers, not only with the approval, but under the guidance of the wardens, renewed, with every circumstance of cruelty and havoc, their invasions of the Scottish territory; and the king, disgusted with such contradiction and duplicity, presented a remonstrance, in which he not only demanded redress, but declined the promised interview till it should be obtained.[3] Meanwhile Henry proceeded to York, in the autumn of the year 1541, and for six days held his court in that city, in hourly expectation of the arrival of his nephew; but he looked for him in vain, and in deep indignation retraced his steps to his capital. To act on the resentment of the moment, and to permit the impatience of personal revenge to dictate the course of his policy, was the frequent failing of this monarch; and there can be no doubt that, from the instant he found himself disappointed of the intended interview at York, war with Scotland was resolved on. Instructions were despatched to Sir Robert Bowes, to levy soldiers and put the east and middle marches in a state of defence; an army was ordered to be raised for immediate service in the north; the fortifications of Berwick were inspected; and the monarch, having determined to revive the idle and exploded claim of superiority, issued his commands to the Archbishop of York, requesting him to make a search into the most ancient records and muniments within his diocese, so as to ascertain his title to the kingdom of Scotland.[4]

Some circumstances, however, for a short season delayed, although they could not prevent, an open rupture. James, from a deference to the opinion of his ecclesiastical councillors, had disappointed Henry of the intended interview at York; but he despatched an ambassador, who was commissioned to express his regret on the occasion, in terms of respect and conciliation; whilst Beaton's devices being somewhat thwarted by the renewal of the quarrel between Francis and the emperor, this ambitious minister required an interval to examine his ground, and alter his mode of attack. An event, however, which occurred about this time, was improved by the cardinal and the clergy, to bring about the desired war. The king had long maintained an intercourse in Ireland, not only with his Scottish subjects, who possessed a considerable portion of the island, but with many of the principal chiefs, in whose eyes the English monarch was a heretic and a tyrant. Hitherto, Henry's predecessors and himself had been contented to call themselves lords of that country; but, in a parliament of this year, he had assumed the more august style of King of Ireland,[5]—a proceeding so ill received by its native chiefs, that they sent a deputation to the Scottish court, inviting its monarch to accept their homage, and making a proffer of the crown, which had already, in ancient times, although for a brief period,

[1] Pinkerton, vol. ii. p. 374. Caligula, b. i. 57.

[2] Copy of Articles delivered by the Bishops of Aberdeen and Orkney, December 1541, promising that James would meet Henry at York on 15th January next. State-paper Office.

[3] Paper in State-paper Office, December 1541. Articles delivered by the King of Scots to the Bishops of Orkney and Aberdeen, and Mr Thomas Bellenden, relative to the depredations by the English Borderers.

[4] State-paper Office. Letter from Privy Council of England, April 28th, 1542, and Sir Thomas Wriothesley to Sir Robert Bowes, July 28th, 1542.

[5] Lesley, p. 160.

been placed upon the head of a Scottish prince.[1] It is not probable that the offer was ever viewed by James in a serious light; yet his assumption of the title of Defender of the Faith, with which the Pope had condescended to flatter him, the gracious reception which he gave to the Irish chiefs, and his warlike preparations, which could not be concealed, excited the jealousy, and increased the resentment of the English king to so high a pitch, that it was evident war could not be long averted.

Under such circumstances nothing seemed wanting but a slight spark to ignite the mass which had been accumulating for many years; and this was soon furnished by the restless Borderers. Upon whose side hostilities began seems uncertain; the Scottish monarch in one of his letters insisted that before his subjects retaliated they had been provoked by two English invasions; whilst the manifesto of Henry broadly imputed the first aggression to his nephew. Mutual incursions were probably succeeded by a mutual wish to throw the odium of an infraction of the peace upon each other; and, at the moment when Sir James Learmont had proceeded with a message of regret and conciliation to the English court, Sir James Bowes, captain of Norham, and warden of the east marches, broke across the Border; and, with a body of three thousand horse, penetrated into Teviotdale. He was accompanied by the banished Earl of Angus, Sir George Douglas, and a large body of their retainers; but the Earl of Huntly encountered him with a strong force at Hadden-Rig, and with the assistance of Lord Home, who joined the host with four hundred lancers, obtained a complete victory. Six hundred prisoners of note fell into the hands of the enemy, amongst whom were the lord warden himself and his brother. Angus was nearly taken, but slew his assailant with his dagger, and saved himself by flight.[2]

Open and determined war appeared now inevitable; and Henry, having sent orders to the Duke of Norfolk to levy a force of forty thousand men, this able leader, who had obtained from his master the name of the Scourge of the Scots, proceeded by rapid marches towards York. Along with him, each leading their respective divisions, came the Earls of Southampton, Shrewsbury, Derby, Cumberland, Rutland, and Hertford, with Angus, and some of his Scottish adherents; but on their march they were arrested by a deputation of commissioners, instructed by James to make a final effort for averting a war. Whether the Scottish king was sincere in this, or merely used it as an expedient to gain time, does not appear; but, as the season was far advanced, even a short delay was important, and, in all probability, he had become convinced of the fatal effects which the dissatisfaction of his nobility with his late measures might produce upon the issue of the campaign. He accordingly prevailed on Norfolk to halt at York, and amused him for a considerable period with proposals for a truce, and a personal interview, which had long been the great object of the English king.

It was now, however, too late; the conferences conducted to no satisfactory conclusion; and Henry, issuing imperative orders to his lieutenant to advance into Scotland, published at the same moment a manifesto, in which he stated his reasons for engaging in war; his nephew, he affirmed, supported some of his chief rebels within his dominions; his subjects had invaded England when a treaty of peace was in the course of negotiation; he was refused the possession of some districts to which he affirmed he had established an unquestionable title; and lastly, James had disappointed him of the promised interview at York. These trifling causes of quarrel were followed up by a revival of the claim of superiority over Scotland, and a tedious enumeration of the false and exploded grounds upon which it was maintained.

The winter had now commenced; yet Norfolk, aware of the impetuosity

[1] Maitland, vol. ii. 826.
[2] Maitland, vol. ii. p. 831. Lesley, p. 162.

of his master's temper, penetrated into Scotland, and finding no resistance, gave many of the granges and villages on the banks of the Tweed to the flames; whilst James, becoming more aware of the secret indisposition of his nobles to a contest with England, once more despatched Learmont and the Bishop of Orkney to request a conference, and carry proposals of peace.[1] All negotiation, however, was in vain; and commanding a force under Huntly, Home, and Seton, to watch the operations of Norfolk, the Scottish king himself assembled his main army, consisting of thirty thousand men, on the Borough-muir, near Edinburgh.[2] But, though strong in numbers and equipment, this great feudal array was weakened by various causes. It was led by those nobles who had regarded the late conduct of the king with sentiments of disapproval, and even of indignation. Many of them favoured the doctrines of the Reformation, some from a conscientious conviction of their truth, others from an envious eye to those possessions of the Church, which, under the dissolution of the English religious houses, they had seen become the prey of their brethren in England; many dreaded the severity of the new laws of treason, and trembled for their estates, when they considered they might thus be rendered responsible for the misdeeds of their deceased predecessors; others were tied by bands of manrent to the interests of the Douglases; and a few, who were loyal to the king, were yet anxious to adopt every honourable means of averting a war, from which they contended nothing could be expected, even should they be victorious, but an increase of those difficulties which perplexed the councils of the government. It appears also to have been a rule amongst these feudal barons which, if not strictly a part of the military law, had been established by custom, that they were not bound to act offensively within the territories of a foreign state, although their feudal tenure compelled them, under the penalty of forfeiture, to obey the royal command in repelling an enemy who had crossed the Borders, and encamped within the kingdom.

Such were the sentiments of the Scottish nobles when James lay with his army on Fala Muir, a plain near the western termination of the Lammermuir Hills; and intelligence was suddenly brought to the host that Norfolk, compelled by the approach of winter and the failure of his supplies, had recrossed the Border, and was in full retreat. It was now the end of November; and such was the scarcity of provisions, produced by the recent devastation of the English, that, having consumed the allowances which they brought along with them, the Scottish army began to be severely distressed.[3] Yet, the opportunity for retaliation appeared too favourable to be lost, and the monarch eagerly proposed an invasion of England, when he was met with a haughty and unanimous refusal. The crisis recalls to our minds the circumstances in which James the Third was placed at Lauder Bridge; and it is even insinuated by some of our historians that the nobles, who had been long secretly dissatisfied with the conduct of the king, meditated a repetition of the ferocious scenes which then occurred; but they had to do with a more determined opponent, and contented themselves by a steady refusal, alleging as their reason the advanced period of the year, and the impossibility of supporting so large a force. Yet this was enough to arouse to the highest pitch the indignation of the king. He alternately threatened and remonstrated; he implored them, as they valued their honour as knights, or esteemed their allegiance as subjects, to accompany him against the enemy; he upbraided them as cowards and poltroons, who permitted Norfolk to burn their villages, and plunder their granges under their eyes, without daring to retaliate. But all was in vain, — the leaders were immovable; the feudal feeling of loyalty

[1] Lesley, p. 161.
[2] Herbert, in Kennet, vol. ii. p. 232.
[3] Letter from the Duke of Norfolk to the Privy-Council, dated 3d November 1542. State-paper Office, B. C.

to their prince, and revenge against their enemies, seemed to be extinguished by a determination to seize the opportunity to shew their own strength, and use it for the redress of their grievances; and the king, overwhelmed with disappointment and chagrin, disbanded the army and returned to his capital.[1]

Yet, although thus abandoned by a great majority of his nobles, the monarch was not without some supporters amongst them; the opulent body of the clergy were unanimous in his favour, and a few peers making an effort to recall their brethren to their duty, resolved to muster the army for a second time, under what it was hoped would be more favourable auspices. For this purpose Lord Maxwell offered his services, and a force of ten thousand men having been assembled with great expedition and secrecy, it was determined to break into England by the western marches; whilst the monarch, with the sanguine and energetic temper by which he was distinguished, shook off the anguish which preyed on his mind, and eagerly awaited at Caerlaverock the result of the invasion. He had given secret orders that his favourite, Oliver Sinclair, should take the command of the little army so soon as it reached the Esk; and scarcely had the soldiers encamped on English ground when a halt was ordered, and this minion of the king, as he is termed in a contemporary document, was raised on a platform supported on the shoulders of the troops, whilst the royal commission appointing him generalissimo was read aloud by a herald. The intelligence was received with murmurs of disapprobation: many of the ancient nobility declared they could not serve without degradation under such a leader; their clansmen and retainers adopted their feelings; and whilst Maxwell and a few of the most loyal peers attempted to overcome their antipathy, the whole army became agitated with the discussion, presenting the spectacle of a disorderly mob tossed by conflicting sentiments, and ready to fall to pieces on the slightest alarm. It was at this crisis that Dacre and Musgrave, two English leaders, advanced to reconnoitre, at the head of three hundred horse, and, approaching the Scottish camp, became sensible of its situation, nor did they delay a moment to seize the opportunity, but charged at full speed with levelled lances, and in a compact body. In the panic of the moment they were believed to be the advance of a larger force; and such was the effect of the surprise, that the rout was instantaneous and decisive. Ten thousand Scottish troops fled at the sight of three hundred English cavalry, with scarce a momentary resistance; and a thousand prisoners fell into the hands of the enemy, amongst whom were the Earls of Cassillis and Glencairn, the Lords Somerville, Maxwell, Gray, Oliphant, and Fleming, the Masters of Erskine and Rothes, and Home of Ayton.[2]

The intelligence of this second calamity fell like a thunderbolt upon the king; he had awaited at Caerlaverock, in the most eager expectation, the first intelligence from the army; he trusted that the success of the invasion would wipe away, in some degree, the dishonour of the retreat from Fala; and he anticipated, with sanguine hope and resolution, the renewal of the war, and a restoration of the feelings of cordiality and attachment between himself and his barons. In an instant every prospect of this kind was blasted; and in the first agony of the moment he embraced an idea which overthrew the balance of his mind, and plunged him into despair: he became convinced that his nobility had entered into a conspiracy to betray him to England, to sacrifice their own honour, and the independence of the kingdom, to the determination to gratify their revenge against the crown, and their personal hatred to himself.[3] At Fala they had disgraced him by an open con-

[1] John Car to My Lord of Norfolk, 1st November 1542. State-paper Office.

[2] Hall, p. 856. Maitland, vol. ii. p. 833. Lodge's Illustrations, vol. i. pp. 44-54 inclusive. 2d edition.

[3] Lesley, p. 165.

tempt of his command; at Solway they had followed up the blow by an act which exposed themselves, their sovereign, and the Scottish name, to ridicule and contempt. James had often borne misfortune; but his mind was too proud and impatient to endure dishonour, or to digest the anguish of reiterated disappointment; and, although in the vigour of his strength and the flower of his age, with a constitution unimpaired and almost unvisited by disease, he sunk under this calamity, and seems truly to have died of a broken heart. From the moment the intelligence reached him, he shut himself up in his palace at Falkland, and relapsed into a state of the deepest gloom and despondency; he would sit for hours without speaking a word, brooding over his disgrace; or would awake from his lethargy, only to strike his hand on his heart, and make a convulsive effort, as if he would tear from his breast the load of despair which oppressed it. Exhausted by the violence of the exertion, he would then drop his arms by his side, and sink into a state of hopeless and silent melancholy. This could not last: it was soon discovered that a slow fever preyed upon his frame; and having its seat in the misery of a wounded spirit, no remedy could be effectual. When in this state, intelligence was brought him that his queen had given birth to a daughter.[1] At another time it would have been happy news; but now it seemed to the poor monarch the last drop of bitterness which was reserved for him. Both his sons were dead. Had this child been a boy, a ray of hope, he seemed to feel, might yet have visited his heart; he received the messenger and was informed of the event without welcome, or almost recognition; but wandering back in his thoughts to the time when the daughter of Bruce brought to his ancestor the dowry of the kingdom, observed, with melancholy emphasis, "It came with a lass, and it will pass with a lass."[2] A few of his most favoured friends and councillors stood round his couch; the monarch stretched out his hand for them to kiss; and regarding them for some moments with a look of great sweetness and placidity, turned himself upon the pillow and expired.[3] He died (13th December 1542[4]) in the thirty-first year of his age, and the twenty-ninth of his reign; leaving an only daughter, Mary, an infant of six days old, who succeeded to the crown; and amongst other natural children, a son James, afterwards the famous Regent Moray. There were some striking points of similarity between the character and destiny of this prince and his great ancestor, James the First. To the long captivity of the one, we find a parallel in the protracted minority of the other; whilst, in both, we may discover that vigour, talent, and energetic resolution to support the prerogative against the attacks of their nobility, to which we can trace the assassination of the first, and the premature death of the fifth James. Both were accomplished princes, and exhibited in a rude and barbarous age a remarkable example of literary and poetical talent; whilst they excelled in all those athletic and military exercises, which were then considered the only proper objects of aristocratic ambition.

[1] Mary queen of Scots was born at Linlithgow on the 7th December 1542.

[2] A lass; a girl, or young maiden.

[3] Lesley, pp. 165, 166. Drummond, p. 114. Maitland, vol. ii. p. 834. Lindsay, pp. 176, 177.

[4] Keith, p. 22.

NOTES AND ILLUSTRATIONS.

LETTER A, page 41.

Site of the Battle of Harlaw.

In the manuscript geographical description of Scotland, collected by Macfarlane, and preserved in the Advocates' Library, vol. i. p. 7, there is the following minute description of the site of this battle: — "Through this parish (the Chapel of Garioch, called formerly, Capella Beate Mariæ Virginie de Garryoch, Chart. Aberdon., p. 31) runs the king's highway from Aberdeen to Inverness, and from Aberdeen to the high country. A large mile to the east of the church lies the field of an ancient battle, called the battle of Harlaw, from a country town of that name hard by. This town, and the field of battle, which lies along the king's highway upon a moor, extending a short mile from SE. to NW., stands on the north-east side of the water of Ury, and a small distance therefrom. To the west of the field of battle, about half a mile, is a farmer's house, called Legget's Den, hard by, in which is a tomb, built in the form of a malt steep, of four large stones, covered with a broad stone above, where, as the country people generally report, Donald of the Isles lies buried, being slain in the battle, and therefore they call it commonly Donald's tomb." So far the MS. It is certain, however, that the Lord of the Isles was not slain. This may probably be the tomb of the chief of Maclean, or of Macintosh, both of whom fell in the battle. In the genealogical collections of the same industrious antiquary, (MS. Advocates' Library, Jac. V. 4, 16, vol. i. p. 180,) we find a manuscript account of the family of Maclean, which informs us that Lauchlan Lubanich had, by M'Donald's daughter, a son, called Eachin Rusidh ni Cath, or Hector Rufus Bellicosus. He commanded as lieutenant-general under the Earl of Ross at the battle of Harlaw in 1411, where he and Irvine of Drum, seeking out one another by their armorial bearings on their shields, met and killed each other. He was married to a daughter of the Earl of Douglas.

Sir Walter Ogilvy, on 28th January 1426, founded a chaplainry in the parish church of St Mary of Uchterhouse, in which perpetual prayers were to be offered up for the salvation of King James and his Queen Johanna; and for the souls of all who died in the battle of Harlaw. Diplom. Regior. Indices, vol. i. p. 97.

LETTER B, page 42.

The Retour of Andrew de Tullidiff, mentioned in the text, will be found in the MS. Cartulary of Aberdeen, preserved in the Advocates' Library, folio 121. It is as follows:—

"Inquisitio super tercia parte Ledintusche et Rothmais.

Hæc inquisitio facta fuit apud rane coram Willmo de Cadyhow Ballivo Reverendi in Christo patris, et Dni Gilberti Dei gracia Episcopi Aberdonen: die martis, nono die mensis Maii anno 1413, per probos et fideles homines subscriptos, viz., Robertum de Buthergask, Johannem Rous, Johannem Bisete, Robertum Malisei, Hugonem de Kyncavil, Duncanum de Curquhruny, Johannem Morison, John Yhung, Adam Johannis, Johannem Thomson, Johannem de Lovask, Johannem Duncanson, Walterum Ranyson, et Johannem Thomson de

Petblayne. Qui magno sacramento jurati dicunt, quod quondam Willmus de Tulidef latoris præsencium obiit vestitus et saysitus ut de feodo ad pacem et fidem Dni nostri regis, de tercia parte terrarum de Ledyntusche, et de Rothmais cum pertinenciis jacentium in schyra de Rane infra Vicecom. de Aberden. Et quod dictus Andreas est leggitimus et propinquior heres ejusdem quondam Willmi patris sui de dicta tercia parte dictarum terrarum cum pertinenciis, et licet minoris ætatis existit tamen secundum quoddam statutum consilii generalis ex priviligio concesso hæredibus occisorum in bello de Harelaw, pro defensione patriæ, est hac vice leggittime ætatis, et quod dicta tercia dictarum terrarum cum pertinenciis nunc valet per annum tres libras, et viginti denarios, et valuit tempore pacis quatuor libras," &c., &c. The remainder of the deed is uninteresting.

Letter C, page 47.

Battles of Baugè and Verneuil.

The exploits of the Scottish forces in France do not properly belong to the History of Scotland, and any reader who wishes for authentic information upon the subject will find it in Fordun a Goodal, vol. ii. pp. 461, 463, and Monstrelet's Chronicle, by Johnes, vols. v. and vi. There were three important battles in which the Scots auxiliaries were engaged. First, that of Baugè, in Anjou, fought on the 22d March 1421, in which they gained a signal victory over the Duke of Clarence, who was slain, along with the "flower of his chivalry and esquiredom," to use the words of Monstrelet. Secondly, that of Crevant, which was disastrous to the Scots. And lastly, the great battle of Verneuil, fought in 1424, in which John, duke of Bedford, commanded the English, and completely defeated the united army of the French and Scots.

There is a singular coincidence between the battle of Baugè and the battle of Stirling, in which Wallace defeated Surrey and Cressingham. The two armies, one commanded by the Duke of Clarence, and the other by the Earl of Buchan, were separated from each other by a rapid river, over which was thrown a narrow bridge. Buchan had despatched a party, under Sir Robert Stewart of Darnley, and the Sieur de Fontaine, to reconnoitre, and they coming suddenly upon the English, were driven back in time to warn the Scottish general of the approach of Clarence. Fortunately, he had a short interval allowed him to draw up his army, whilst Sir Robert Stewart of Railston, and Sir Hugh Kennedy, with a small advanced body, defended the passage of the bridge, over which the Duke of Clarence, with his best officers, were eagerly forcing their way, having left the bulk of the English army to follow as they best could. The consequences were almost precisely the same as those which took place at Stirling. Clarence, distinguished by his coronet of jewels over his helmet, and splendid armour, was first fiercely attacked by John Carmichael, who shivered his lance on him; then wounded in the face by Sir William de Swynton; and lastly, felled to the earth and slain by the mace of the Earl of Buchan.[1] His bravest knights and men-at-arms fell along with him; and the rest of the army, enraged at the disaster, and crowding over the bridge to avenge it, being thrown into complete disorder, as they arrived in detail, were slain or taken by the Scots. Monstrelet[2] affirms that two or three thousand English were slain. Bower limits the number who fell to sixteen hundred and seventeen, and asserts that the Scots only lost twelve, and the French two men.[3] It is well known that for this service Buchan was rewarded with the baton of Constable of France. After the battle, Sir Robert Stewart of Darnley bought Clarence's jewelled coronet from a Scottish soldier for 1000 angels.[4]

Having been thus successful at Baugè, the conduct of the Scots at Crevant, considering the circumstances under which the battle was fought, is inexplicable. On consulting Monstrelet,[5] it will be found that the river Yonne separated the two armies, over which there was a bridge as at Baugè. The Scots occupied a hill near the river, with the town of Crevant, to which they had laid siege, in their rear. Over this bridge they suffered the whole English army to defile, to arrange their squares,

[1] Fordun a Goodal, vol. ii. p. 461. This John, or, as he is called by Douglas, Sir John Carmichael, was ancestor to the noble family of Hyndford, now extinct. The family crest is still a shivered spear. Douglas, vol. i. p. 752.

[2] Monstrelet, by Johnes, vol. v. p. 263.

[3] Fordun a Goodal, vol. ii. p. 461.

[4] Gough's Sepulchral Monuments, vol. ii. p. 58.

[5] Vol. vi. p. 48.

and to advance in firm order against them, when they might have pre-occupied the *tête-du-pont*, and attacked the enemy whilst they were in the act of passing the river. Either the circumstances of the battle have come down to us in a garbled and imperfect state, or it is the fate of the Scots to shut their eyes to the simplest lessons in military tactics,—lessons, too, which, it may be added, have often been written against them with sharp pens and bloody ink. The consequences at Crevant were fatal. They were attacked in the front by the Earls of Salisbury and Suffolk, and in the rear by a sortie from the town of Crevant, and completely defeated.[1]

The battle of Verneuil was still more disastrous, and so decisive, that it appears to have completely cooled all future desires upon the part of the Scots to send auxiliaries to France. The account given by Bower[2] is, at first sight, confused and contradictory; but if the reader will compare it with Monstrelet, vol. vi. pp. 90, 94, it becomes clearer. It seems to have been lost by the Scots, in consequence of the unfortunate dissension between them and their allies the French, which prevented one part of the army from co-operating with the other; whilst on the side of the English, the steadiness of the archers, each of whom had a sharp double-pointed stake planted before him, defeated the charge of the Lombard cross-bowmen, although they were admirably armed and mounted.[3]

Letter D, page 49.

In this treaty for the relief of James the First, which is to be found in Rymer's Fœdera, vol. x. p. 307, the list which contains the names of the hostages is not a little curious, as there is added to the name of each baron a statement of his yearly income, presenting us with an interesting picture of the comparative wealth of the members of the Scottish aristocracy in 1423. The list is as follows:—

Thomas Comes Moraviæ, reddituatus et possessionatus ad M. marc.

Alexander Comes Crauffurdiæ, vel filius ejus et hæredes ad M. marc.

Willielmus Comes Angusiæ, ad vi C marc.

Maletius Comes de Stratherne, ad v C marc.

Georgius Comes Marchiarum, vel filius ejus primogenitus ad viii C marc.

David filius primogenitus Comitis Atholiæ, vel filius ejus et hæres ad xii C marc.

Willielmus Constabularius Scotiæ, vel filius et hæres ad viii. C marc.

Dominus Robertus de Erskyn, ad M. marc.

Robertus Marescallus Scotiæ, vel filius ejus et hæres ad viii C marc.

Walterus Dominus de Drybtoun (Drylton) vel filius ejus et hæres ad viii C marc.

Johannes Dominus de Cetoun, miles vel filius ejus et hæres ad vi C marc.

Johannis de Montgomery, miles de Ardrossane, vel filius ejus et hæres ad vii C marc.

Alexander Dominus de Gordonne, ad iv C marc.

Malcolmus Dominus de Bygare, ad vi C marc.

Thomas Dominus de Yestyr, ad vi C marc.

Johannis Kennady de Carryk, ad v C marc.

Thomas Boyde de Kylmernok, vel filius ejus et hæres ad v C marc.

Patricius de Dounbarre Dominus de Canmok, vel filius ejus et hæres ad v C marc.

Jacobus Dominus de Dalketh, vel filius ejus primogenitus ad xv C marc.

Duncanus Dominus de Argill, ad xv C marc.[4]

Johannes Lyon de Glammis, ad vi C marc.

Letter E, page 60.

It is not easy to account for the high character of Albany, which is given both by Winton and by Bower. It is certain, because it is proved by his actions, which are established upon authentic evidence, that he was a crafty and selfish usurper, whose hands were stained with the blood of the heir to the crown —yet he is spoken of by both these writers, not only without severity, but with enthusiastic praise. Indeed, Winton's character of him might serve for the beau ideal of a perfect king. Vol. ii. p. 418.

Bower, though shorter, is equally complimentary, and throws in some touches which give individuality to the

1 Monstrelet, vol. vi. pp. 48, 49.

2 Fordun a Goodal, vol. ii. p. 463.

3 Ibid.

4 It may be conjectured, that there is some error both here and in the preceding name.

picture. On one occasion, in the midst of the tumult of war, and the havoc of a Border raid, we find the governor recognised by his soldiers as a collector of the relics of earlier ages, (Fordun a Goodal, vol. ii. p. 409,) and at another time a still finer picture is presented of Albany sitting on the ramparts of the castle of Edinburgh, and discoursing to his courtiers, in a clear moonlight night, on the system of the universe, and the causes of eclipses. I am sorry I have neglected to mark the page where this occurs, and cannot find it at the moment.

Letter F, page 69.

A curious instrument, which throws some light on the state of the Highlands in 1420, and gives an example of the mixture of Celtic and Norman names, is to be found in a MS. in the Adv. Lib., Jac. V. 4. 22, entitled Diplomatum Collectio. It is as follows:—

"John Touch, be the grace of God Bishop of Rosse; Dame Mary of ye Ile, Lady of the Yles and of Rosse; Hucheon Fraser, Lord of the Lovat; John Macloyde, Lerde of Glenelg; Angus Guthrason of the Ylis; Schyr William Farquhar, Dean of Rosse; Walter of Douglas, Scheraff of Elgin; Walter of Innes, Lord of that ilke; John Syncler, Lord of Deskford; John ye Ross, Lord of Kilravache; John M'Ean of Arnamurchan, with mony othyr,—Til al and syndry to the knawledge of the quhilkis thir present lettres sal to cum, gretyng in God ay listand. Syn it is needeful and meritabil to ber lele witness to suthfastness to your Universitie, we mak knawyn throche thir present lettres, that on Friday the sextent day of the moneth of August, ye yher of our Lord a thousand four hundreth and twenty yher, into the kyrke yharde of the Chanonry of Rossmarkyng, compeirit William the Grahame, the sone and the hayr umquhil of Henry the Grame. In presence of us, befor a nobil Lorde and a mychty, Thomas Earl of Moreff, his ovyr lord of his lands of the Barony of Kerdale, resignande of his awin free will, purly and symply, be fast and baston, intill the hands of the sayde Lorde the Erle," &c. An entail of the lands follows, which is uninteresting.

At page 263 of the same volume, we find a charter granted by David II., in the 30th year of his reign, entitled, "Carta remissionis Thomæ Man et multis aliis, actionis et sectæ regiæ tum pro homicidiis, combustionibus, furtis, rapinis," &c., in which the preponderance of Celtic names is very striking. The names are as follows:—"Thomas Man, Bridan filii Fergusi, Martino More, Maldoveny Beg Maldowny Macmartican, Cristino filio Duncani, Bridano Breath, Alexro Macronlet Adæ Molendinario, Martini M'Coly, Fergusio Clerico Donymore, Michaeli Merlsway, Bridano M'Dor, Maldowny M'Robi, Colano M'Gilbride, Maldowny Macenewerker, et Adæ Fovetour latoribus presencium," &c. Apud Perth, primo die Novemb. regni xxx. quinto.

Letter G, page 92.

I am indebted for the communication of the following charter to the Rev. Mr Macgregor Stirling, a gentleman intimately acquainted with the recondite sources of Scottish History:—

Apud Edinburgh, Aug. 15, 1451, a. r. 15.

Rex [Jacobus II.] confirmavit Roberto Duncansoun de Strowane, et heredibus suis, terras de Strowane,—terras dimidicatis de Rannach,—terras de Glennerach,—terras de duobus Bohaspikis,—terras de Grannecht, cum lacu et insula lacus ejusdem,—terras de Carric,—terras de Innercadoune,—de Farnay,—de Disert, Faskel, de Kylkeve,—de Balnegarde,—et Balnefarc,—et terras de Glengary, cum foresta ejusdem, in comitatu Atholie, vic. de Perth, quas dictus Robertus, in castrum [*sic*] Regium de Blar in Atholia personaliter resignavit, et quas rex in unam integram Baroniam de Strowane univit et incorporavit (pro zelo, fauore, amore, quas rex gessit erga dictum Robertum pro captione nequissimi proditoris quondam Roberti de Grahame, et pro ipsius Roberti Duncansoune gratuitis diligenciis et laboribus, circa captionem ejusdem sevissimi proditoris, diligentissime et cordialissime factis.)—*Mag. Sig.* iv. 227.

Letter H, page 132.

Bocce and the Story of the Bull's Head.

The story of the bull's head being presented to the Douglases at the banquet, as a signal for their death, appears, as far as I have discovered, for the first time, in Hector Boece, p. 363:—"Gubernator, assentiente Cancellario, . . . amotis epulis, *taurinum caput apponi jubet*. Id enim est apud nostrates

supplicii capitalis symbolum." Although this extraordinary circumstance is not found in the Auchinleck Chronicle, an almost contemporary authority, yet, had I found evidence of the truth of Boece's assertion, that the production of a bull's head was amongst our countrymen a well-known signal for the infliction of a capital punishment, I should have hesitated before rejecting the appearance of this horrid emblem immediately previous to the seizure of the Douglases. The truth is, however, that the production of such a dish as a bull's head, or, according to the version of the tale given by a great writer,[1] a *black* bull's head, as an emblem of death, is not to be found in any former period of our history, or in any Celtic tradition of which I am aware. For this last assertion, the non-existence of any Celtic or Highland tradition of date prior to Boece's history, where this emblem is said to have been used, I rest not on my own judgment, for I regret much I am little read in Gaelic antiquities, but on the information of my friends, Mr Gregory, secretary to the Society of Antiquaries, and the Reverend Mr Macgregor Stirling, who are, perhaps, amongst the ablest of our Celtic antiquaries.[2] After the time of Boece, whose work was extremely popular in Scotland, it is by no means improbable that the tale of the bull's head should have been transplanted into Highland traditions. Accordingly I understand, from Mr Stirling, that Sir Duncan Campbell, the seventh laird of Glenurcha, on an occasion somewhat similar to the murder of the Douglases, is said to have produced a bull's head at table, which caused his victims to start from the board and escape. Sir Duncan lived in the interval between 1560 and 1631.

[1] Sir Walter Scott's History of Scotland, vol. i. p. 281.

[2] Mr Gregory, I am happy to see, is about to publish "A History of the Western Highlands and the Hebrides during the Sixteenth and Seventeenth Centuries." Hitherto, all that we know of the history of this most interesting portion of the kingdom, is perplexing, vague, and traditionary. But, from the mass of authentic materials which the industry of the secretary of the antiquaries has collected, a valuable work may at last be expected.

The able work alluded to in the above note appeared in 1836. Its author, in whom I lost a friend always ready to communicate information out of his abundant stores, died in the course of the same year. He was the son of the celebrated Dr Gregory of Edinburgh—the direct descendant of a family long distinguished for hereditary talent of the highest kind.

LETTER I, page 133.

George, Earl of Angus.

It is to be regretted that Godscroft, in his "History of the House of Douglas and Angus," vol. i. p. 287, instead of his own interminable remarks and digressions, had not given us the whole of the ancient ballad in which some indignant minstrel expressed his abhorrence of the deed. One stanza only is preserved:—

"Edinburgh Castle, Town and Tower,
God grant thou sink for sin,
And that even for the black dinner
Earl Douglas gat therein."

The late Lord Hailes, in his Remarks on the History of Scotland, chap. vii., satisfactorily demonstrated "that Archibald, third earl of Douglas, could not, according to the common opinion, have been a brother of James, second earl of Douglas, slain at Otterburn, and that he did not succeed to the earldom in right of blood." He added—"By what means, or under what pretext, George, earl of Angus, the undoubted younger brother of Earl James, was excluded from the succession, it is impossible at this distance of time to determine. During the course of almost a century the descendants of Archibald, third earl of Douglas, continued too powerful for the peace of the crown, or for their own safety. At length, in 1488, the male line ended by the death of James, ninth earl of Douglas, and the honours of Douglas returned into the right channel of Angus." A learned and, as it appears, conclusive solution of this difficulty, appeared in a paper in the *Scots Magazine* for September 1814, where it is shewn that George, earl of Angus, considered by Lord Hailes, by Douglas, and all our genealogical writers, as the legitimate brother of James, earl of Douglas, was an illegitimate son of William, earl of Douglas, and as such had no title to succeed to the earldom. It is to be wished that the same acute antiquary, who has successfully solved this and many other genealogical difficulties, would bring his researches to bear upon some of those obscurer points in the history of the country, which are intimately connected with genealogy, and would derive from it important illustration. The hypothesis, for instance, upon

which I have ventured as to the causes which may have led to the trial and execution of William, sixth earl of Douglas, and his brother David, in 1440, is an example of one of the subjects upon which an intimate knowledge of genealogy might enable its possessor to do much for history.

Letter K, page 133.

Execution of the Douglases.

The Douglases, along with their unfortunate friend and adherent Malcolm Fleming, were beheaded, according to Gray's MS., "in vigilio Sancte Katerine Virginis—viz, xxiiii. die mensis Novembris anno Domini I^m iiii^c xl." The date in the Extracta ex Veteribus Chronicis Scotiæ agrees with this; but it appears, from the following curious instrument, that Malcolm Fleming was executed, not at the same time as the Douglases, but on the fourth day thereafter:—In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter quod anno ab incarnacione Domini, secundum computacionem Regni Scocie M^mo CCCC^mo XL^mo mensis Januarii die VII. Indictione quarta Pontificatus Sanctissime in Xpo patris et Domini nostri, Domini Eugenii divina providentia Papæ quarti Anno X^mo. In mei Notarii publici et testium subscriptorum presencia personaliter constitut. Nobiles viri Walterus de Buchqwhanane et Thomas de Murhede scutiferi, ac procuratores nobilis viri Roberti Flemyng scutiferi, filii et heredis Malcolmi Flemyng quondam Domini de Bigar, habentes ad infrascripta potestaten et sufficiens mandatum, ut meipso notario constabat per legitima documenta, accedentes ad Crucem fori Burgi de Lithgw, coram Willmo de Howstoun deputato Vicecomitis ejusdem, procuratorio nomine dicti Roberti, falsaverunt quoddam judicium datum seu prelatum super Malcolmum Flemyng, patrem dicti Roberti, super montem Castri de Edynburch, Secundum modum et formam, et propter racionem inferius scriptum, quarum tenor sequitur in wulgar.

We, Waltyr of Buchqwanane and Thomas of Murhede, speciale procurators and actournais, conjunctly and severally, to Robert Flemying, son and ayr to Malcolm Flemying, sumtyme Lord of Bigar, sayis to thee, John of Blayr Dempstar, that the Doyme gyffin out of thy mouth on Malcolm Flemying in a said Courte haldyn befor our soverane Lord y^e King on the Castle-hill of Edynburch, on Mononday the acht and twenty day of the moneth of November the yere of our Lord M^mo CCCC^mo and fourty zeris, sayande "that he had forfat land, lyff, and gud as chete to the King, and that yow gave for doyme;" that doyme forsaid giffyn out of thy mouth is evyl, fals, and rotten in itself; and here We, the foresaid Walter and Thomas, procurators to the said Robert for hym, and in his name, fals it, adnull it, and again cancel it in thy hand William of Howston Deput to the Sherray of Lithgow, and tharto a borch in thy hand; and for this cause the Courte was unlachfull, the doyme unlachfull, unorderly gyffn, and agane our statut; for had he been a common thef takyn redhand, and haldyn twa Sonys, he sulde haff had his law dayis he askande them, as he did before our Soverane Lord the King, and be this resoune the doyme is evyll giffyn and weil agane said; and her we, the foresaid Walter and Thomas, procurators to the foresaid Robert, protests for ma resounys to be giffyn up be the said Robert, or be his procurators qwhar he acht, in lawfull tyme.

Dictum judicium sic ut premittitur falsatum et adnullatum dicti procuratoris, nomine dicti Roberti, invenerunt plegium ad prosequendum dictas adnullaciones et falsaciones predicti judicii, in manu Roberti Nicholson serjandi domini nostri regis qui dictum plegium recepit. Postmodo vero dicti procuratores offerebant falsacionem adnullacionem dicte judicii sub sigillo præfati Roberti Flemyng dicto Willelmo de Howstoun deputato dicti vicecomitis, qui recipere recusavit, dicendo quod recepcio Ejusdem pertinebat ad Justiciarium, et non ad vicecomitum, et tunc ipsi procuratores continuo publice protestati sunt, quod dicta recusacio nullum prejudicium dicto Roberto Flemyng generaret in futurum. Super quibus omnibus et singulis præfati Walterus et Thomas procuratorio nomine ut supra a me notario publico infrascript sibi fieri pecierunt publicum instrumentum, seu publica instrumenta:

Acta fuerunt haec apud crucem ville de Lithgw hora qũ decima ante meridiem Anno, die, mense, Indiccione et Pontificatu quibus supra, presentibus ibidem providis viris, Willelmo de Houston Deputato ut supra, Domino Willmo llane, Domino Johanne person, Presbyteris, Jacobo Forrest et Jacobo Fowlys publico notario cum multis aliis testi-

bus, ad premissa vocatis specialiter et rogatis.

This instrument, which exhibits in a striking light the formal solemnity of feudal manners, is printed from a copy communicated to me by my friend Thomas Thomson, Esq., Depute-clerk Register, and taken from the original in the archives of the Earldom of Wigtown, preserved in the charter-chest of Admiral Fleming at Cumbernauld.

Letter L, page 141.

Early Connexion between Scotland and the Hanse Towns.

The intercourse of Scotland with the Hanse towns and the commercial states of Flanders took place, as has been shewn in another part of this history, at a very early period. When that portion of the work was written, I was not aware of the existence of an interesting document on the subject of early Scottish commerce, which had been included by Sartorius in his work on the origin of the league of the Hanse towns; for the publication of which, after the death of the author, the world is indebted to the learned Dr Lappenberg of Hamburg; and to which my attention was first directed by Mr J. D. Carrick's Life of Sir William Wallace, published in Constable's Miscellany. The document is a letter from Wallace and Sir Andrew Moray, dated at Badsington in Scotland, evidently a misreading for Haddington, on the 11th of October 1297. It is as follows:—

"Andreas de Morauia et Wilielmus Wallensis, duces exercitus regni Scotie et communitas eiusdem Regni, prouidis viris et discretis ac amicis dilectis, maioribus et communibus de Lubek et de Hamburg salutem et sincere dilectionis semper incrementum. Nobis per fide dignos mercatores dicti regni Scotie est intimatum, quod vos vestri gratia, in omnibus causis et negociis, nos et ipsos mercatores tangentibus consulentes, auxiliantes et favorabiles estis, licet, nostra non precesserent merita, et ideo magis vobis tenemur ad grates cum digna remuneracione, ad que vobis volumus obligari; rogantes vos, quatinus preconizari facere velitis inter mercatores vestros, quod securum accessum ad omnes portus regni Scotie possint habere cum mercandiis suis, quia regnum Scotie, Deo regraciato, ab Anglorum potestate bello est recuperatum. Valete. Datum apud Badsingtonam in Scotia, undecimo die Octobris, Anno gracie, millesimo ducentesimo nonagesimo septimo. Rogamus vos insuper vt negocia Johannis Burnet, et Johannis Frere, mercatorum nostrorum promoueri dignemini, prout nos negocia mercatorum vestrorum promovere velitis. Valete dat: ut prius."

The original letter, of which a transcript was communicated by Dr Lappenberg, the editor of Sartorius's work, to Mr Carrick, through Mr Repp, one of the assistant librarians of the Faculty of Advocates, is still preserved among the archives of the Hanseatic city of Lubeck. "It appears," says Dr L. "to be the oldest document existing relative to the intercourse of Hamburg and Lubeck, or other Hanseatic cities, with Scotland." It is much to be wished that a correct fac-simile of it should be procured. The battle of Stirling, in which Wallace defeated Cressingham, was fought on the 3d of September 1297. A great dearth and famine then raged in Scotland, and Wallace led his army into England.[1] The letter to the cities of Lubeck and Hamburg was evidently written on the march into Northumberland, which corroborates the reading of Haddington, a town lying directly in the route of the army, for Badsington, a name unknown to Scottish topography. In Langtoft's Chronicle, a high authority, we meet with a corroboration of Wallace's mission to Flanders, immediately after the battle of Stirling:—

After this bataile, the Scottis sent over the se
A boye of ther rascaile, quaynt and dẽguise[2]
To Flandres bad him fare, through burgh and cite,
Of Edward where he ware to bryng them cer teyr te.[3]

It is probable that this boy or page, who was sent to spy out the motions of Edward, was the bearer of the letter to the cities of Lubeck and Hamburg. We possess now four original deeds granted by Wallace: The above letter to Lubeck and Hamburg—the protection to the monks of Hexham, dated the 8th of November 1297—the passport to the same monks—and the famous grant, published by Anderson in his Diplomata, plate xliv., to Alexander Skirmishur, of the office of Constable of the castle of Dundee, for his faithful service, in bearing the royal standard in the army of Scotland. It is curious to mark the progressive style used by Wallace in

[1] Fordun a Goodal, vol. ii. pp. 171, 172.
[2] Disguised. [3] Langtoft, vol. ii. p. 298.

these deeds. In the first, the letter to the Hanse Towns, dated 11th October 1297, it is simply commander of the army of Scotland, "Dux exercitus regni Scotiæ." In the second, dated 7th November 1297, he is "Leader of the army of Scotland, in the name of an illustrious prince, Lord John, by the grace of God, King of Scotland, by the consent of the community of the same kingdom,"[1] In the third, which is dated at Torphichen, the 29th March 1298, we no longer find Andrew Moray associated in the command of the army with Wallace; his style is simply William Wallace, Guardian of the Kingdom of Scotland, and leader of the armies of the same, in the name of an excellent prince, Lord John, by the grace of God, the illustrious King of Scotland.

With the exception of this valuable document, I am not aware that there exist any additional letters or charters relative to the early commerce between Scotland and the Hanse towns, till we arrive at the first quarter of the fifteenth century, during which repeated complaints were made on the part of the associated cities, that the Scots had plundered their merchantmen. In consequence of this they resorted to reprisals; the members of the league were prohibited from all intercourse with the Scots; and every possible method was adopted to persecute and oppress the merchants of this country, wherever the Hanseatic factories were established; for example, in Norway, and in Flanders, to which the Scots resorted. It is ordered by a Hanse statute of the year 1412, that no member of the league should purchase of Scotsmen, either at Bruges or any other place, cloth either dressed or undressed, or manufactured from Scottish wool; whilst the merchants of the Hanse communities who did not belong to the league, were forbid to sell such wares in the markets of the leagued towns. It would appear that these quarrels continued for upwards of ten years, as in 1418 the Compter at Bruges was enjoined, under pain of confiscation, to renounce commercial intercourse with the Scots, till all differences were adjusted; from which we may fairly conclude, that the Bruges market was the principal emporium of trade on both sides. A few years after this, in 1426, the prohibition of all trade with the Scots was renewed, unless they consented to an indemnification for damages already sustained. At a still later period, in 1445, it appears that the Bremeners had captured, amongst other vessels, a ship coming from Edinburgh, laden with a cargo of cloth and leather; and in the course of the same year, a commission was issued by James the Second, to certain Scottish delegates, empowering them to enter into negotiations with the towns of Bremen, Lubeck, Hamburg, Wismar, Stralsund and Rostock, regarding the termination of all such disputes. The original commission, which has never been printed in any English work, is preserved in the archives of the city of Bremen, and is to be found in a rare German pamphlet, or Thesis, which was discovered and communicated by Sir William Hamilton to Mr Thomson, to whom I am indebted for the use of it. It is as follows:—

"Jacobus Dei gratia Rex Scotorum. Universis ad quorum noticiam presentes literæ pervenerint, salutem. Sciatis quod nos ex matura deliberatione nostri parliamenti, de fide et legalitate delectorum, et fidelium nostrorum, Thome de Preston, scutiferi et familiaris nostri Johannis Jeffrason et Stephani Huntare, cumburgensium burgi nostri de Edinburgh, ac Andree Ireland, burgensis burgi nostri de Perth, plurimum confidentes, ipsos, Thomam, Johannem, Stephanum, ac Andream, nostros commissarios, deputatos, et nuncios speciales fecimus, constituimus, et ordinavimus. Dantes et concedentes eisdem Thome, Johanni, Stephano, et Andree, et eorum, duobus, conjunctim, nostram plenariam potestatem et mandatum speciale ad comparendum coram nobilibus et circumspecte prudentie viris burgimastris, Scabinis et consulibus civitatum, villarum, et oppidorum de Lubec, Bremen, Hamburg, Wismere, Trailsond, et Rostock, seu ipsorum et aliorum, quorum interest commissariis et deputatis sufficientem potestatem habentibus, ad communicandum, tractandum, concordandum, componendum, appunctuandum, et finaliter concludendum, de et super spoliatione, bonorum restitutione, lesione et interfectione regni nostri Mercatorum per Bremenses anno revoluto in mare factorum, et perpetratorum, ac literas quittancie pro nobis et dictis nostris mercatoribus dandi et concedendi, ac omnia alia, ac singula faciendi, gerendi et exercendi, que in premissis necessaria fuerint, seu opportuna. Ra-

[1] Knighton, p. 2521. Apud Twysden x. Scriptores, vol. ii.

tum et gratum habentes, pro perpetuo habituri quicquid dicti nostri commissarii vel eorum duo conjunctim in premissis duxerint faciendum. Datum sub magno sigillo nostro apud Edynburgh, decimo quarto die mensis Augusti, anno domini millesimo quadragintesimo quadragesimo quinto, et regni nostri nono."

In consequence of this commission, the following treaty, included in the same rare tract, was entered into on the 16th October 1445. It is drawn up in an ancient dialect of Low German, still spoken in those parts. For its translation—a work which I believe few scholars in this country could have performed—I am indebted to the kindness and learning of my friend Mr Leith.

LETTER OF THE SCOTTISH AMBASSADORS CONCERNING THE RECONCILIATION OF THE TOWN OF BREMEN WITH THE SUBJECTS OF THE KINGDOM OF SCOTLAND, AND THE TREATING OF THE DAMAGE WHICH THEY HAD OCCASIONED EACH OTHER.

"We, John Jeffreson, Stephen Hunter, provost of Edinburgh, and Andrew Ireland, bailie of Perth, ambassadors and procurators plenipotentiary of our most gracious beloved master, the most illustrious prince and lord, James king of Scots, of the noble city of Edinburgh, and others of his towns and subjects, acknowledge and make known openly in this letter, and give all to understand, who shall see it, or hear it read.

"Since those of Bremen, in years but lately past, took on the sea, from the subjects of the afore-mentioned most powerful prince and lord, the King of Scots, our gracious beloved lord, a certain ship, laden with Scottish cloth, and in order that all capture, attack, and damage, which have happened to ships, people, or goods, wherever they have taken place, and that all other damage which has happened to the kingdom of Scotland, and the subjects of the said kingdom, on the part of those of Bremen, or their people, up to the date of this letter, may be removed:

"And also, in order to compensate for, to diminish, and extinguish, any great and remarkable damage which they of Bremen have suffered and received in former years and times, from the subjects of the afore-mentioned lord the king:

"Therefore, have we, the above-mentioned John, Stephen, and Andrew, by the grace, full powers, and command of our afore-mentioned gracious and beloved lord the king, and others of his towns and subjects, procurators plenipotentiary, (according to the contents of all their procuratories, together with that of his royal gracious majesty, sealed with all their seals, which we have delivered over to the afore-mentioned people of Bremen, and received answer,) negotiated, effected, and made conditions of a friendly treaty, with the honourable burgermeister and counsellors of Bremen, in all power, and in the manner as hereafter is written.

"Although the afore-mentioned people of Bremen, in strict right, as also on account of the delay which has taken place, and also on account of the great damage which they have suffered in former years from the said kingdom, could not be bound, and were not bound, yet on account of their affection to, and to please the afore-mentioned, our most gracious lord, and his royal grace, and for the sake of peace, and an equitable treaty, the same people of Bremen, to compensate for the expense, wear, and great inconvenience, which then was occasioned, have given us, and do presently give a Butse,[1] called the *Rose*, with anchors, tackling, and ropes, as she came out of the sea, and thereunto forty *measures* of beer; and therewith shall all attack, damage, and hurt, which they of Bremen and their allies have done to the kingdom of Scotland, and the subjects of the said kingdom, up to the date of this letter, whether the damage may have been done to crews, goods, or ships, and wherever the damage may have been received, be declared to be compensated for, acquitted, and completely forgiven.

"And, in like manner also, shall all attack, damage, and hurt, which they of Bremen, in these years, have suffered from the kingdom of Scotland, and the subjects of the said kingdom, and particularly that which happened to one of their *coggen*[2] which was lost

[1] Butse, a particular kind of ship. Herring busses is a term frequently used in the Acts of Parliament.

[2] Coggen, another kind of ship, of some particular build, used for warlike as well as for mercantile purposes. Kreyer and kreyger can only be explained in the same general way.

in the Firth, and to a *kreyer* lost near Wytkopp, and to a *kreyger* lost near the Abbey of Arbroath, and other ships, which damage those of Bremen estimated, and said they had suffered, to the amount of six thousand nobles, the same shall also be held acquitted and compensated for.

"And we, the above-mentioned John, Stephen, and Andrew, procurators plenipotentiary, by power and grace of our gracious lord the king, his towns, and subjects, and according to the contents of our procuratories, do acquit, and have acquitted all and each one of the afore-mentioned persons of Bremen, and their allies, by power and might of this letter, of all the afore-mentioned damage and attacks, let it have happened when and where it will, and wherever it may have been received, in all time afore this, and will never revive the same complaints, either in spiritual or secular courts.

"Furthermore is agreed, negotiated, and settled, that if it should be that the subjects and merchants of the above-mentioned kingdom, should ship any of their goods in bottoms belonging to powers hostile to Bremen, and the privateers[1] of Bremen should come up to them on the sea, so shall the above-mentioned Scots and their goods be unmolested, with this difference—if it should be that enemy's goods were in the ship, such goods shall they, on their oaths, deliver over to those of Bremen; and the ship, crew, and freight shall be held to ransom for a certain sum of gold, as they shall agree with the allies[2] of those of Bremen, and these shall allow the ship, with the crew and the goods of the Scots, to sail away to their destined market. And further, shall all the subjects and merchants of the above-mentioned most mighty prince and lord, the King of Scots, our most gracious and beloved master, as also those of Bremen and their merchants, visit, touch at, and make use of the ports and territory of the said kingdom of Scotland, and of the said town and territory of Bremen, with their merchant vessels, velinqen,[3] lifes, and merchandise, with security, and under good safe-conduct, and velichkeit,[4] as they have been used to do in peace and love for long years before.

"For the greater authenticity and truth of this document, have we, John Jeffreson, Stephen Hunter, and Andrew Ireland, ambassadors and procurators plenipotentiary, affixed our true seals to this letter.

"Given and written after the birth of Christ our Lord, fourteen hundred years, and thereafter in the fortieth and fifth, on the day of St Gall, the holy abbot, (d. 16 Oct.)"

1 Redliggere. 2 Vrunden.
3 Unknown. 4 Unknown.

LETTER M, page 161.

James, ninth Earl of Douglas.

As this authentic and interesting document has never been published, it may properly be included amongst the Notes and Illustrations of this history. It is taken from the manuscript volume preserved in the Library of the Faculty of Advocates at Edinburgh, entitled, "Sir Lewis Stewart's Collections," a 4, 7, p. 19.

Appoyntement betwixt James II. and James Earle Douglas.

Be it kend till all men be thyr present letters, me James, Earle of Douglas, to be halden and obleist, and be thir present letters, and the faith in my body, lelie and truelie binds and obliges me till our sovereane Lord James, be the grace of God, King of Scotland, that I shall fulfill, keep, and observe all and sundrie articles, and condeciones, and poyntis underwrittin. That is to say—in the first, I bind and oblige me till our said soverayne lord, that I shall never follow nor persew, directly nor indirectly, be law, or any other maner of way, any entrie in the lands of the earldome of Wigtone, with the pairtinents or any part of them, untill the tyme that I may obtaine speciall favour and leicence of oure soverayne Lady Mary, be the grace of God, Queen of Scotland, be letter and seal to be given and maid be hir to me thairupon. And in the samen wise, I bind and obliss me to our soverayne lord, that I shall never persew nor follow, directly nor indirectlie, the lands of the lordshipe of Stewartoun, with the pertinents, or any pairt of them, the whilk wer whilum the Dutches of Turinies, until the time that I may obtaine our soverayne lord's special licence, grace, and favour of entrie in the said lands; and alswa, I bind and oblidge me till our soverayne lord, to remitt and forgive, and be thir present letters fullie remitts and forgives, for evermair, for me, my brother, and the Lord Hamiltoune, and our (enver-

dance) all maner of rancour of heart, malice, fede, malgre, and invy, the quhilk I or any of us had, hes, or may have in tyme to come, till any of our said soverane lord's lieges, for any actions, causes, or querrels bygane, and speciallie till all them that had arte or parte of the slaughter or deid of whylum William, Earle of Douglas, my brother, and shall take thay personnes in heartlines and friendship at the ordinance and advyce of our said soverayne lord.

And outter, I bind and obliss me till our said soverayne lord, that all the tenants and maillers being within my lands quatsomever, sall remane with thair tacks and maling quhile Whitsonday come a year, except them that occupies the grangis and steids whilk war in the hand of the said Earle William, my brother, for his own proper goods the tyme of his decease, and yet thay persones to remaine with thyr tacks, at our said soverayne lord's will, of the said granges and steids while Whitsonday next to come; and alswa I bind and oblige me to our said soverayne lord to revock, and be thir present letters revocks, all leagues and bands, if any hes been made be me in any tyme bygane, contrare to our said soverayne lord; and binds and obliss me, that I shall make na band, na ligg in tyme coming, quhilk sall be contrar til his hienes. Alswa I bind and obliss me till our said soverayne lord, to remitt and forgive, and be thir present letters remitts and forgives till his hienes all maner of maills, goods spendit, taken, sould, or analied be him or his intromitters, in any manner of wayes before the xxii day of the moneth of July last bypast, before the makyng of thir present letters. And if any thing be tane of the good of Gallaway, I put me thairof, to our said soveraigne lady, the Queen's will. Alswa I bind and oblige me to our said soveraigne lord, that I shall maintaine, supplie, and defend the borders and the bordarars, and keep the trewes taken, or to be taken, at all my guidly power, and in als far as I aught to do as wardane or liegeman till him. Alswa I bind and oblidge me to doe to our said soverane lord, honor and worschip in als far as lyes in my power, I havand sic sovertie as I can be content of reasoun for safety of my life. Item, I oblige me that all harmes done, and guides taken under assurance be mandit and restored. In witness of the whilk thing, in fulfilling and keeping all and sundrie articles, poynts, and conditiones beforr written in all manier of forme, force, and effect, as is aforsaid, all fraud and guile away put, I the said James, for me, my brother, and the Lord Hamiltoune, and all our pairts, (averdance,) to ther present letters sett my seall, and for the mair sickerness the haly evangillis twichit, hes given our bodily oath, and subscryved with my own hand at Douglas, the xxviii day of the month of Agust, the year of our Lord jm. four hundreth and feftie-twa years.

Sic subscribitur,
JAMES, EARLE DOUGLAS.
JAMES, LORD HAMILTONE.

Sir Lewis Stewart does not say where the original is preserved; but his transcript is evidently much altered and modernised in the spelling.

LETTER N, page 165.

"Eodem anno Comes Moraviæ frater Comitis de Dowglas cum fratre suo Comite de Ormont, et Johannes Douglas eorundem fratre intraverunt Ananderdaill et illam deprèdati sunt; et spolia ad matrem in Karleil portarunt, presentantes. Quibus (dominus) de Johnston cum ducentis occurrit, et acriter inter illos pugnatum est. In quo conflictu dominus Comes Moraviæ occiditur, et caput ejus regi Jacobo presentabatur, sed rex animositatem viri commendabat, licet caput ignorabat. Occisus eciam fuit Comes de Ormont. Tunc convocato Parliamento annexæ erant illorum terræ, Coronæ regiæ, viz. Ettrick forest, tota Galvaia, Ballincreiff, Gifford, cum aliis multis dominiis Eorundem."

The manuscript from which this extract is taken, and which has never been printed, is preserved in the Library of the University of Edinburgh. A. C. c. 26.

LETTER O, page 195.

Rise of the Power of the Boyds.

The remarkable indenture quoted in the text is preserved amongst the archives of the earldom of Wigtown, in the charter-chest of Admiral Fleming at Cumbernauld.

As only twenty copies of it, printed for private circulation, exist, I am happy to render it more accessible to the Scottish antiquary. It is as follows:—

"Yis indentour, mad at Striuelyn, the tend day of februar, the zer of God

a thousand four hundreth sixty and fyf zeris, betwyx honourable and worschipful lordis, yat is to say, Robert, Lord Flemyng on ye ta pairt, and Gilbert, Lord Kennedy and Sir Alexander Boid of Duchal, knight, on the todir pairt, yat yai ar fullelie accordit and appointit in maner and form as eftir follouis: Yat is to say, yat ye said lordis ar bundyn and oblist yaim selfis, yair kyn, friendis, and men, to stand in afald kendnes, supple, and defencs, ilk an til odir, in all yair caussis and querrell leifull and honest, movit and to be movit, for all ye dais of yair liffis, in contrery and aganis al maner of persones yat leiff or dee may; yair allegiance til our soueran lord alanerly outan, excepand to the lord flemyng, his bandis mad of befoir, to ye Lord Levynston, and to yhe lord Hamilton, and, in lyk maner, excepand to the saidis lordis kennedy and Sir Alexander, yair bandis mad of befoir, til a reverend fadir in Crist, master patrik the graham, bischop of Sanctander, ye Erle of Crawford, ye lord mungumer, the lord maxvel, the lord boid, the lord levynston, the lord hamilton, and the lord Cathcart. Item, yat the said lord flemyng salbe of special service, and of cunsail to the kyng, als lang as the saidis lordis kenedy and Sir Alexander ar speciall seruandis and of cunsail to ye kyng; the said lord flemyng kepand his band and kyndnes to the foirsaidis lord kennedey and Alexander, for al the foirsaid tym: And attour, the said lord flemyng is oblist yat he sal nodir wit, consent, nor assent, til, (avas,) nor tak away the kyngis person fra the saidis lord kenedy and Sir Alexander, nor fra na udyr yat yai leff, and ordanis to be doaris to yaim, and keparis in yair abcens; and gif the said lord flemyng getis, or may get, ony bit of sic thyng to be done in ony tym, he sal warn the saidis lord kennedy and Sir Alexander, or yair doars in do tym, or let it to be done at all his power; and tak sic part as yai do, or on an of yaim for ye tymin, ye ganstandyng of yat mater, but fraud and gil; and the said lord fleming sal adwis the kyng at al his pertly power wycht his gud cunsail, to be hertly and kyndly to the foirsaidis lord kenedy and Sir Alexander, to yair barnis and friendis, and yai at belang to yaim for ye tym. Item, giff yair happynis ony vakand to fall in the kyngis handis, at is a resonable and meit thyng for the said lord flemyngis seruice, yat he salbe furdirit yairto for his reward; and gif yair happynis a large thyng to fal, sic as vard, releiff, marriage, or offis, at is meit for hym, the said lord flemyng sal haff it for a resonable compocicion befoir udir. Item, the saidis lord kennedy and Sir Alexander sal haff thom of Sumerwel and wat of twedy, in special mantenans, supple, and defencs, in all yair accionis, causs, and querrel, leful and honest, for the said lord flemyngis sak, and for yair seruis don and to be don, next yair awyn mastiris, yat yai wer to of befoir. And, at all and sundry thyngis abovn writtyn salbe lelily kepit, bot fraud and gil, ather of yhe pairtis hes geffyn till udiris, yair bodily aithis, the hali evangelist tuychit, and enterchangable, set to yair selis, at day, yheir, and place abovn written."

LETTER P, p. 222, and Q, p. 227.

Revolt of his Nobility against James the Third, in 1482.

The history of this revolt of the nobles against James the Third, as it is found in the pages of Lesley and Buchanan, furnishes a striking example of the necessity of having access to the contemporary muniments and state papers of the period, as the materials from which historical truth must be derived. Lesley was a scholar and a man of talent—Buchanan a genius of the first rank of intellect; yet both have failed in their attempt to estimate the causes which led to the struggle between James and his barons; and it is not, perhaps, too much to say that the narrative of Buchanan, where he treats of this period, is little else than a classical romance. The extent of Albany's treasonable correspondence with Edward the Fourth, his consent to sacrifice the independence of the kingdom, his actual assumption of the title of king, and the powerful party of the nobles by whom he was supported, are all of them facts unknown to this historian, and which the publication of the "Fœdera Angliæ" first revealed to the world. Instead of these facts, which let us into the history of the proceedings of both parties in the state, and afford a pretty clear notion of the motives by which they were actuated, we are presented by Buchanan with a series of vague and scandalous reports, calculated to blacken the memory of the king, arising at first out of the falsehoods propagated by Albany and the nobles of his faction, against the monarch whom they had deter-

mined to dethrone, increased by the credulous additions of the common people, and invested by him with all the charms of style which his sweet and classic muse has so profusely scattered over his history. "Hæ quidem in acta publica causæ sunt redactæ. Verum odium regis ob causam privatam conceptum plus ei (*i.e.* Domino Crichtonio) nocuisse creditur. Erat Gulielmo uxor e nobile Dumbarorum familia nata, absque insigni pulchritudine. Eam cum a rege maritus corruptam comperisset, consilium temerarium quidem sed ab animo amore ægro et injuria irritato non alienum suscepit. Minorem enim e regis sororibus, et ipsam quoque forma egregia et consuetudine fratris infamem, compressit, et ex ea Margaritam Crichtonium quæ non adeo pridem decessit genuit." B. xii. cli. For this complicated tale, which throws the double guilt of adultery and incest upon the unfortunate monarch, there is no evidence whatever; and of the first part of it, the inaccuracy may be detected. William, third Lord Crichton, did not marry a daughter of the noble house of Dunbar. The Lady Janet Dunbar was his mother, not his wife. (Douglas's Peerage, vol. i. p. 609. Crawford's Officers of State, p. 311. Sutherland case, by Lord Hailes, c. vi. p. 81.) On the other hand, it seems almost certain that William, third Lord Crichton, the associate of Albany, of whom Buchanan is speaking, did marry Margaret, sister to James the Third; but the dark aspersion of her previous connexion with her brother the king, is found, as far as I have yet seen, in no historian prior to Buchanan, not even in the credulous Boece, whose pages are sufficiently hostile to James the Third, to induce us to believe that the story would not have been neglected. That the treaty of Albany with Edward the Fourth, and his assumption of the royal title, should have been unknown to Buchanan and Lesley, to whom all access to the original records was probably impossible at the time they wrote, is not extraordinary; but it is singular that the circumstances illustrative of this period of our history should have escaped the notice of Mr Aikman, the latest translator of Buchanan. As to Lesley, the causes which he assigns for the hostility of the nobility to James and his favourites, are his having suffered Cochrane to debase the current coin, by the issue of copper money, unmeet to have course in the realm—the consequent dearth and famine throughout the country—his living secluded from his queen and his nobles, and his entertaining, in place of his royal consort, a mistress, named the Daisy—the slaughter of the Earl of Mar, his brother—and the banishment of the Duke of Albany. With regard to the first of these subjects of complaint, the issue of a new copper coin, the fact is certain, and the discontent and distress which it occasioned cannot be doubted. In the short Chronicle at the end of Winton's MS. Reg. 17, d. xx., printed by Pinkerton, Appendix, vol. i. p. 502, Hist. of Scotland, is the following passage:—"Thar was ane gret hungyr and deid in Scotland, for the boll of meill was for four pounds; for thair was black cunye in the realm strikin and ordynit be King James the Thred, half pennys, and three penny pennys innumerabill, of copper. And thai yeid twa yier and mair: And als was gret weir betwix Scotland and England, and gret distruction thro the weiris was of corne and cattel. And thai twa thyngs causyt bayth hungar and derth, and mony puir folk deit of hunger. And that samyn yeir, in the moneth of July, the Kyng of Scotland purposyt till haif passit on gaitwart Lawdyr: and thar the Lords of Scotland held thair counsaill in the Kirk of Lawdyr, and cryit doune the black silver, and thai slew ane pairt of the Kyng's housald; and other part thai banyesyt; and thai tuke the Kyng himself, and thai put hym in the Castell of Edinburgh in firm kepyng. . . . . And he was haldyn in the Castell of Edynburgh fra the Magdalyne day quhill Michaelmas. And than the wictall grew better chaip, for than the boll that was for four pounds was than for xxii. sh. of quhyt silver." The circumstance of crying down the black money is corroborated by the act passed in the parliament of 1473, c. 12, "and as touching the plakkis and the new pennys, the lordis thinkis that the striking of thame be cessit. And they have the course that they now have unto the tyme that the fynance of them be knawin. And whether they halde five shillings fyne silver of the unce, as was ordainit by the King's hieness, and promittet by the cunzeours."[1] So far the narrative of Lesley is supported by authentic evidence, but that Cochrane was the adviser of this depreciation of the current

[1] Acts of the Parliament of Scotland, vol. ii. p. 105.

coin does not appear in any contemporary record; and the assertion of James's attachment to a mistress, called the Daisy, who had withdrawn his affections from the queen, rests solely on the authority of the later and more popular historians.

LETTER R, page 245.

Inventory of the Jewels and Money of James the Third.

As the inventory referred to in the text is valuable, from the light which it throws upon the wealth and the manners of Scotland at the close of the fifteenth century, I am sure the antiquarian, and I trust even the general reader, will be gratified by its insertion. It is extracted from the accounts of the Lord High Treasurer of Scotland, and a few copies have been already printed, although not published, by Mr Thomson, to whom this volume is under repeated obligations, and who will not be displeased by its curious details being made more generally accessible to the public.

INVENTARE OF ANE PARTE OF THE GOLD AND SILVER, CUNYEIT AND UNCUNYEIT, JOWELLIS, AND UTHER STUFF, PERTENING TO UMQUHILE OURE SOVERANE LORDIS FADER, THAT HE HAD IN DEPOIS THE TYME OF HIS DECEIS, AND THAT COME TO THE HANDIS OF OUR SOVERANE LORD THAT NOW IS.

M.CCCC.LXXXVIII.

MEMORANDUM deliuerit be dene Robert hog channoune of halirudhouse to the thesaurar, tauld in presens of the chancellar, lord Lile, the prior of Sanctandrois, in a pyne pig[1] of tynn.

In the fyrst of angellis twa hundreth four score & v angellis
Item in ridaris nyne score and aucht ridaris
Item in rialis of France fyfty and four
Item in unicornis nyne hundrethe & four score
Item in demyis & Scottis crounis four hundreth & tuenti
Item in rose nobilis fyfti and four
Item in Hari nobilis & salutis fourti & ane
Item fyftene Flemis ridaris
Item tuelf Lewis
Item in Franche crounis thre score and thre
Item in unkennyt[2] golde ——— thretti pundis

Memorandum, be the command of the king, thar past to the castell to see the jowalis, silver money, & uther stuff, the xvii day of Junii, the yer of god one thousand four hundreth and eighty-eight yeris, thir persouns under writtin, that is to say

The erle of Angus
The erle of Ergile
The bischope of Glasgw
The lord Halis
The lord Home
The knycht of Torfichane thesaurar

Memorandum, fund be the saidis personis in the blak kist, thre cofferis, a box, a cageat.[3]
Item fund in the maist of the said cofferis, lous & put in na thing, bot liand within the said coffyr, fyve hundreth, thre score ten rois nobilis, and ane angell noble
Item in a poik of canves, beand within the said coffre, of angell nobilis, sevin hundreth and fyfty angelis
Item in a litill purs, within the said coffre, of quarteris of rois nobilis, sevin score nyne rois nobilis, a quarter of a nobill
Item in a little coffre, beand within the said coffre, of rois nobilis sevin hundreth fyfty & thre nobilis
Item in a litill payntit coffre, beand within the said blak kist, of Henry nobilis a thousand thre hundreth, and sevintene nobillis
Item in ane uther coffre, beand within the said blak kist, a poik of canves, with demyis contenand aucht hundreth, ane less
Item in a box, beand within the said blak kist, the grete bedis of gold, contenand six score twa bedis, and a knop
Item in the said box, a buke of gold like ane tabell, and on the glasp of it, four perlis, and a fare ruby
Item in the said box the grete diamant, with the diamantis sett about it
Item in the said box, a thing of gold with a top like a tunnele
Item in the same box a stomok,[4] & on

[1] Pyne Pig; perhaps our modern Scots "penny pig."

[2] Gold of unknown denomination.

[3] Cageat—casket. Jamieson, who quotes this inventory.

[4] Stomok—stomacher. Jamieson.

it set a hert, all of precious stains, & perle

Item in a trouch[1] of cipre tre within the said box, a point maid of perle, contenand xxv perle with hornis of gold

Item twa tuthpikis of gold with a chenye, a perle, & erepike, a moist ball of gold, ane hert of gold, with uther small japis[2]

Item in a round buste, within the said box, a cors of gold, with four stanis. Item a collar of gold, twa glassis with balme

Item in a litill paper, within the said box, ane uche, with a diamant, twa hornis, four butonis horse nalis blak

Item ane uche[3] of gold, like a flour the lis, of diamantis & thre bedis of gold, a columbe of gold & twa rubeis.

Item in a cageat, beand within the said blak kist, a braid chenye, a ball of cristal

Item a purs maid of perle, in it a moist ball,[4] a pyn[5] of gold, a litill chenye of gold, a raggit staff, a serpent toung sett

Item in the said cageat, a litill coffre of silver, oure gilt, with a litil salt-fat[6] and a cover

Item a mannach[7] of silver

Item in a small coffre, a chenye of gold, a hert of gold, anamelit, a brassalet of gold, sett with precious stanis

Item a collar of gold maid with eliphantis and a grete hingar at it

Item sanct Michaell of gold with a perle on his spere

Item a quhissill[8] of gold

Item a flour the lys of gold

Item a ryng with a turcas[9]

Item a small cors with twa pecis of gold at it

Item a grete precious stane

Item a litil barrell maid of gold

Item twa berialis, and a grete bene

Item in a litill coffre, a grete serpent toung, set with gold, perle, & precious stanis, and twa small serpent toungis set in gold, and ane ymage of gold

Item in ane uther coffre, beand within the blak kyst, ane roll with ringis, ane with a grete saffer,[10] ane emmorant,[11] a stane of pillar, and ane uther ring

Item in the same coffre ane uther roll with ringis, ane with a grete ruby, & uther iiii ringis

Item ane uther roll with ringis in it, of thame, thre grete emmorantis, a ruby, a diamant

Item a roll of ringis, ane emmorant, a topas, & a diamant

Item ane uther roll of ringis, ane with a grete turcas, and ane uther ring

Item a roll with sevin small ringis, diamantis, rubeis, & perle

Item a roll with ringis, a turcas, a stane of pillar, & a small ring

Item a roll with ringis, a ruby, a diamant, twa uther ringis, a berial[12]

Item in ane uther small coffre, within the said blak kyst, a chenye with ane uche, in it a ruby, a diamant, maid like a creill

Item a brasselat of gold, with hede & pendes[13] of gold

Item sanct Antonis cors, and in it a diamant, a ruby, and a grete perle

Item a grete ring with a topas

Item a wodward[14] of gold with a diamant

Item ane uche of gold, maid like a rose of diamantis

Item a kist of silver, in it a grete cors, with stanis, a ryng, a berial hingand at it

Item in it the grete cors of the chapell, sett with precious stanis

Memorandum, fundin in a bandit kist like a gardeviant,[15] in the fyrst the grete chenye of gold, contenand sevin score sex linkis

Item thre platis of silver

Item tuelf salfatis

Item fyftene discheis ouregilt

Item a grete gilt plate

Item twa grete bassingis ouregilt

Item four masaris,[16] callit king Robert the Brocis, with a cover

Item a grete cok maid of silver

Item the hede, of silver, of ane of the coveris of masar

Item a fare diaile

Item twa kasis of knyffis

Item a pare of auld knyffis

Item takin be the smyth that opinnit the lokkis, in gold fourty demyis

1 Trouch—a deep long box.
2 Japis—playthings, trifles.
3 Uche—brooch. Not in Jamieson.
4 A moist ball—a musk ball.
5 Pyn—pin. 6 Saltfat—saltcellar.
7 Unknown; perhaps a little man. Not in Jamieson. 8 Quhissill—whistle.
9 Turquois. 10 Sapphire.
11 Emerald. 12 Beryl.
13 Pendants. 14 Unknown.
15 Cabinet. Jamieson.
16 Drinking cups. An interesting item—four drinking cups of Robert the Bruce's.

Item in Inglys grotis ——— xxiiii li. & the said silver gevin agan to the takaris of hym

Item ressavit in the cloissat of Davidis tour[1] ane haly water fat of silver, twa boxis, a cageat tume, a glas with rois water, a dosoune of torchis,[2] king Robert Brucis serk[3]

Memorandum, gottin in the quenis kist, quhilk come fra Striveling, in a litill coffre within the same, In the fyrst a belt of crammassy[4] hernessit with gold & braid
Item a braid belt of blak dammas, hernessit with gold
Item a small belt of claith of gold, hernessit with gold
Item a belt of gold, unhernessit
Item twa bedis of gold
Item a litill belt of gold, hernessit with gold

Item in a box beand within the said kist, a collar of cassedonis, with a grete hingar of moist, twa rubeis, twa perlis contenand xxv small cassedonis set in gold
Item a chenye of gold maid in fassone of frere knottis,[5] contenand fourti four knottis.
Item a pare of bedis of gold contenand fyfti and sex bedis
Item a grete cheyne of gold, contenand of linkis thre score and a lynk
Item ane uther cheyne of gold gretar, contenand fifti and aucht linkis
Item a frete[6] of the quenis oure set with grete perle, sett in fouris & fouris
Item viii uchis of gold sett with stanis & perle
Item tuenti hingaris of gold set with rubeis
Item a collar of gold fassonit like roisis anamelit
Item a serpent toung, & ane unicorne horne, set in gold
Item a grete hingar of gold with a ruby
Item a grete ruby set in gold
Item a hingar with a diamant & a grete perle
Item a diamant set in gold
Item a small chenye w[t] ane hingar set with diamantis in maner of .M. and a grete perle
Item a grete safer set in gold
Item a hert of gold with a grete perle at it
Item a small chenye with ane hingar of rois & diamant
Item ane hingar of gold with twa perle without stanis
Item in a clout nyne precious stanis unsett

Item in a box in the said kist a collar of gold, with nynetene diamantis
Item a coller of rubeis, set with threis of perle contenand xxx perlis and xv rubeis with ane hinger, a diamant, and a grete perle
Item ane ege of gold with four grete diamantis pointit and xxviii grete perlis about thame
Item ane uther grete ege with viii rubeis and xxxvi perlis grete

Item in the said kist of the quenis ane string of grete perle contenand fyfti & a perle, and stringis of small perle
Item twa lingattis[7] of gold
Item sex pecis of the said chenye of gold frere knottis
Item twa grete ringis with saferis
Item twa ringis with turcacis
Item a ring with a paddokstane with a charnale[8]
Item a ring with a face
Item a signet & na thing in it
Item thre small ringis with rubeis
Item fyve ringis with diamantis
Item a cassit coller of gold, maid like suannis, set in gold, with xvi rubeis, and diamantis, and viii quhite suannis & set with double perle
Item a grete round ball, in maner of a chalfer, of silver ouregilt
Item a levare[9] of silver ouregilt with a cover
Item a cop with a cover ouregilt & punchit
Item thre brokin gilt pecis of silver
Item thre quhite pecis, a fut & a cover of silver ouregilt
Item a grete vice nail maid of silver
Item twa brokin platis of silver and a dische

Item in a gardeviant in the fyrst a grete hosterage fedder[10]
Item a poik of lavender
Item a buke with levis of golde with xiii levis of gold fulye

[1] David's Tower, in the castle.
[2] Unknown; perhaps turquoises.
[3] Perhaps his mail shirt.
[4] Crimson.
[5] Friar's beads.
[6] A large hoop or ring.
[7] Ingot. [8] A hinge. [9] Laver.
[10] Ostrich feather.

Item a covering of variand purpir tarter, browdin with thrissillis & a unicorne
Item a ruf & pendiclis of the same
Item a pare of metingis[1] for hunting
Item the surples of the robe riall
In ane uther gardeviant, in the fyrst a lamp of silver, a corperale with a cais.
Item thre quhippis[2] and twa bukis

Memorandum, gotten in a box quhilk was deliverit be the countas of Athole, and tauld in presens of the chancellar, lord Lile, the prior of Sanctandrois & the thesaurar. In the fyrst in a purs of ledder within the said box thre hundreth rois nobilis of the quhilkis thare is vii Hari nobilis
Item in the same purs of half rois nobillis fyve hundreth hail rois nobilis, sextene rois nobillis
Item gottin in ane uther box, fra the said countas, the xxi day of Junii, in a cauves poik, within the said box, tuelf hundreth & seven angel nobilis[3]
Item in ane uther purs, of ledder, beand in the same box, ane hundreth angelis
Item in the same purs, thre hundreth fyfti & sevin demyis

Memorandum, fund in a blak coffre quhilk was brocht be the abbot of Arbroth, in the first the grete sarpe[4] of gold contenand xxv schaiffis with the fedder betuix
Item a water pot of silver
Item a pare of curale bedis, and a grete muste ball
Item a collar of cokkilschellis contenand xxiiii schellis of gold
Item a bane coffre, & in it a grete cors of gold, with four precious stanis and a chenye of gold
Item a beid of cassedonne
Item twa braid pecis of brynt silver bullioune
Item in a leddering purs, beand in the said blak coffre, tuelf score & xvi salutis
Item in the same purs thretti & sex Lewis and half nobilis
Item in the same purs four score and thre Franche crounis
Item in the same purs fourtene score of ducatis, and of thame gevin to the erle of Angus fyve score and six ducatis
Item in the said coffre, quhilk was brocht be the said abbot, a litil cors with precious stanis

Item in a blak box brocht be the said abbot to the toune of Perth the xxvi day of Junii, in the first, lows in the said box, four thousand thre hundreth and fourti demyis
Item in a purs of ledder in the said box four hundreth tuenti & viii Lewis of gold, and in the same purs of ledder, of Franche crounis fyve hundreth thre score and sex. And of thame twa salutis and four Lewis
Item in a quhite coffre of irne deliverit be the said abbot, thre thousand, nyne hundreth, four score & viii angelis

Memorandum, ressauit in Scone, be the thesaurar, in presens of the bischop of Glasgw, lord Lile, the prior of Sanctandrois, Patrik Home, & lord Drummond, the xxiii day of Junii, in Avereis box, lous, without ony purs, a thousand and thretti Hari nobilis

Item in a purs of ledder, within the said box, a thousand & twenti rois nobilis, and in the said purs fyfti & four Hari nobilis in half Hari nobilis
Item a grete gugeoune[5] of gold
Item thare was a writ fund in the said box sayand, in hac boxa xii c Hari nobilis, et in eadem boxa, xi c rois nobilis

Thir ar the names of thame, that wist of the said box quhen it was in the myre

James Averi
William Patonsone
William Wallace

Item ressavit fra lang Patric Hume, & George of Touris, xvi skore of Hare nobelis, quhilkis tha had of a part of the money takin be the Cuntas of Atholl and Johne Steward
Item of the same some & money gevin to the said Patric for his reward - - - - fourti Hare nobilis

THE COMPT of schir William Knollis, lord saint Johnnis of Jerusalem, &c. thesaurar till our soverain lord maid at Edinburgh the xxiiii day of Februar, the yer of god &c. nynte ane yeris . . . . . of all his ressait & expens fra the ferd day of the moneth of Junii in the yer of god &c. auchty and aucht yeris unto the day of this present compt

. . . . . .

[1] Hunting gloves. [2] Whip.
[3] Thir boxis put in the thesaurhous in the grete kist nerrest the windo. [4] Belt.
[5] Unknown.

In the first he chargis him with vii^{m} v^{c} lxxxxvii li iiii s in gold of sex thousand thre hundreth thretty a pece of angell nobillis ressavit be the comptar as is contenit in the beginning of this buke writtin with Johnne Tyriis hand, And with ii^{c} xvi li iiii s in gold of ane hundreth fourscore aucht Scottis ridaris, as is contenit in this sammyn buke

And with liiii li be fifty four Fraunce riallis of gold

And with viii^{c} lxxxii li be nyne hundreth fourscore unicornis

And with vi^{c} lxvi li xiiii s iiii d in ane thousand Scottis crownis

And with J^{m} iii^{c} xxxiii li vi s viii d in tua thousand demyis ressauit and gevin for a merke the pece

And with ii^{m} lxix li iiii s in tua thousand nyne hundreth fifty sex demyis gevin the pece for fourtene schillingis

And with vi^{m} xix li ix s in thre thousand thre hundreth fifty five rose nobillis and ane quarter, the quhilk wer gevin for thretty sex schillings the pece, except four hundreth that war gevin for thretty five schillings the pece

And with iiii^{m} iiii^{c} lxvi li viii s in tua thousand sevin hundreth tuenty nyne Hary nobillis gevin for thretty tua schillingis the pece

And with x li v s in fiftene Flemis ridaris fiftene schilling the pece

And with iiii^{c} xxxii li in four hundreth four score Lewis and halve rose nobillis gevin for auchtene schilling the pece

And with iiii^{c} lxxxxiiii li iiii s in sevin hundreth sex Fraunce crounis gevin for fourtene schillingis the pece

And with xxx li in Duch gold

And with ii^{c} vi li viii s in tua hundreth fifty aucht salutis gevin for sextene schillingis the pece

And with i^{c} xxxix li iiii s in ane hundreth sevinty four ducatis gevin for sextene schillingis the pece

Summa of this charge xxiiii^{m} v^{c} xvii li x s

. . . . . .

LETTER S, page 246.

Margaret Drummond, mistress to James IV.

From a note of the Rev. Mr Macgregor Stirling's, in his valuable manuscript collections on the chronology of the reign of James the Fourth, I am enabled to give some curious particulars regarding this unfortunate favourite of James the Fourth. She was daughter of John, first Lord Drummond, and the king seems to have become attached to her at an early period. In his first parliament, 3d October 1488, she had an allowance for dresses, (mentioned in the text, p. 246.) She bore a daughter to the king in 1495, as it may be presumed from an entry in the Lord High Treasurer's Books, which states that twenty-one pounds seven shillings had been expended on the "Lady Mergetis dochter." In Douglas's Peerage, vol. i. p. 51, and vol. ii. p. 361, she is mentioned as having been poisoned in 1501. But she appears to have been alive on 24th June 1502, as in the Treasurer's Books under that date is the following entry:—"Item, the xxiiii day of Junii, the kyng wes in Drummonde giffin to Mergrett Drummonde be the kingis commande, twenty-one pounds. Item, to her nuriss forty-one pounds." It is possible, however, this may have been the king's daughter, not his mistress. Great mystery hangs over the death of this royal favourite, and the most minute account is to be found in a celebrated work where one would certainly little expect to meet an obscure portion of Scottish history—Moreri's Dictionary. It is taken from a MS. history of the family of Drummond, composed in 1689. Speaking of the first Lord Drummond—"He had," says this author, "four daughters, one of whom, named Margaret, was so much beloved by James the Fourth, that he wished to marry her; but as they were connected by blood, and a dispensation from the Pope was required, the impatient monarch concluded a private marriage, from which clandestine union sprang a daughter, who became the wife of the Earl of Huntly. The dispensation having arrived, the king determined to celebrate his nuptials publicly; but the jealousy of some of the nobles against the house of Drummond suggested to them the cruel project of taking off Margaret by poison, in order that her family might not enjoy the glory of giving two queens to Scotland," (Moreri sub voce Drummond.) It is certain that Margaret Drummond, with Euphemia Lady Fleming, and the Lady Sybilla, her sisters, died suddenly at the same time, with symptoms exciting a strong suspicion of poison, which it was thought had been administered to them at breakfast. So far the story substan-

tially agrees with Moreri; but that the unfortunate lady fell a victim to the jealousy of the Scottish nobles, rests on no authentic evidence; nor does this explain why her two sisters, Lady Fleming and Lady Sybilla, should have shared her fate. The story tells more like some dreadful domestic tragedy, than a conspiracy of the aristocracy to prevent the king's marriage to a commoner. Besides this, it is shewn by a deed preserved in the Fœdera, vol. xii. p. 787, that James, previous to the catastrophe of Margaret Drummond, had entered into an indenture, binding himself to marry the Princess Margaret of England,—a circumstance certainly not wholly disproving the story of her having fallen a victim to aristocratic jealousy, but rendering it more improbable. If the dispensation for James's marriage with Margaret Drummond had been procured, it is probable that it would have been discovered by Andrew Stewart during those investigations into the Papal records which he instituted at Rome on the subject of the great Douglas case, when he accidentally fell upon the documents which settled the long-agitated question regarding the marriage of Robert the Second to Elizabeth More. The three ladies thus united in death were interred together in the centre of the choir of the cathedral church at Dunblane. Their grave was marked by three plain blue marble flags, which remained untouched till 1817, when they were removed to make way for some repairs on the parochial church into which the choir of the ancient cathedral had been transformed. Sir Walter Drummond, lord clerk-register, their paternal uncle, was, at the time of their death, Dean of Dunblane,—a circumstance, says Mr Stirling, which seems to have led to their interment there, the family having lately removed from Stobhall, their original seat on the banks of the Tay, to Drummond Castle, where they probably had no place of interment. An entry in the Treasurer's Books, June 18, 1503, shews that the king's daughter by Margaret Drummond had some time before been removed from Drummond Castle to the palace at Stirling:—"Item to the nuriss that brocht the king's dochter fra Drummyne to Strivilin, 3 lbs. 10 sh." The child was brought up in Edinburgh castle under the name of the Lady Margaret; she married John, lord Gordon, son and heir-apparent of Alexander, earl of Huntly, (Mag. Sig. xv. 193.) 26th April 1510. In the Treasurer's Books, under the 1st February 1502-3, is this entry:—"Item to the priests of Edinburgh for to do dirge and saule messe for Mergratt Drummond, v lb." Again, February 10, 1502-3. "Item to the priests that sing in Dumblane for Margaret Drummond their quarters fee v lbs." Entries similar to this are to be found in the Treasurer's Books, as far as they are extant, down to the end of the reign, from which it appears that two priests were regularly employed to sing masses for her soul in Dunblane.

LETTER T, page 251.

Sir Andrew Wood of Largo.

The connexion of this eminent person with James the Third is illustrated by a charter under the great seal x. 87, dated 8th March 1482, which states that this monarch had taken into consideration "Gratuita et fidelia servicia sibi per familiarem servitorem suum ANDREAM WOD commorante in Leith, tam per terram, quam per mare, in pace et in guerra, gratuiter impensà, in Regno Scotiæ et extra idem, et signanter contra inimicos suos Angliæ, et dampnum per ipsum Andream inde sustenta, suam personam gravibus vitæ exponendo periculis." On this ground it proceeds to state that James granted to him and his heirs, hereditarily and in fee, the lands and village of Largo, in the sheriffdom of Fife. It is probable that Wood was originally a merchant trader of Leith, and that a genius for naval enterprise was drawn out and cherished by casual encounters with pirates in defence of his property; after which, his talents, as a brave and successful commander, becoming known to James the Third, this monarch gave him employment, not only in war and against his enemies of England, but in diplomatic negotiations. It has been stated in the text that the brilliant successes of Wood during the reign of James the Fourth were against English pirates. This fact seems established by a charter under the great seal xii. 304, 18th May 1491, in which James the Fourth grants to Andrew Wood a licence to build a castle at Largo with iron gates, on account of the great services done and losses sustained by the said Andrew, and for the services which it was confidently hoped he would yet

render; and because the said Andrew had, at great personal expense, built certain houses and a fortalice, on the lands of Largo, by the hands of Englishmen captured by him, with the object of resisting and expelling pirates who had often invaded the kingdom, and attacked the lieges. The existence of a truce between the two kingdoms at the time when these actions of Wood are described as having taken place, neither throws any suspicion on the truth of this assertion, nor proves that Henry may not have privately encouraged the expedition of Stephen Bull against Wood. A truce existed between the kingdoms, and proposals for bringing about a final peace on the basis of a marriage between James and an English princess were actually under consideration, when Henry had bribed the Lord Bothwell and Sir Thomas Tod to seize the Scottish king and deliver him into his hands, (Rymer, vol. xii. p. 440.) Some of the items of this date, 1491, in the Treasurer's Accounts, prove, in a very convincing manner, that James, in all probability in consequence of the advice and instructions of Andrew Wood, had begun to pay great attention to everything calculated to increase the naval strength of the kingdom. He built ships at his own expense, made experiments in sailing, studied the principles of navigation and gunnery, and attached to his service, by ample presents, such foreign captains and mariners as visited his dominions for the purposes of trade and commerce.

Letter U, page 264.
Mons Meg.

Popular as Mons Meg has been amongst the Scottish antiquaries of the nineteenth century, her celebrity, when she was carried by James the Fourth, July 10, 1489, to the siege of Dumbarton, if we may judge from some of the items in the Treasurer's Books, was of no inferior description. Thus, under that date we have this entry:—"Item given to the gunners to drink-silver when they cartit Monss, by the King's command, 18 shillings." Mons, however, from her enormous size and weight, proved exceedingly unmanageable; and after having been brought back from Dumbarton to Edinburgh, she enjoyed an interval of eight years' inglorious repose. When James, however, in 1497, sat down before Norham, the great gun was, with infinite labour and expense, conveyed to the siege, and some of the items regarding her transport are amusing. The construction of a new cradle or carriage for her seems to have been a work of great labour. Thus, on July 24, 1497, we have, "Item to pynouris to bere ye trees to be Mons new cradill to her at St Leonards quhare scho lay, iii sh. vi^{d};" and again, July 28, "Item for xiii stane of irne to mak graith to Monsis new cradill, and gavilokkis to ga with her, xxx sh. iiii^{d}." "Item to vii wrights for twa dayis and a half ya maid Monsis cradill, xxiii sh. iiii^{d}." "Item for xxiiii li of talloun [tallow] to Mons." "Item for viii elne of canwas to be Mons claiths to cover her." "Item for mare talloun to Mons." "Item to Sir Thomas Galbraith for paynting of Monsis claiths, xiiii sh." "Item to the Minstralis that playit before Mons doune the gait, xiiii sh." The name of this celebrated gun, as stated in the Treasurer's Accounts, is simply Mons. Drummond of Hawthornden is the first author who calls her Mons Meg. For these curious particulars I am indebted to the manuscript notes of the Rev. Mr Macgregor Stirling.

Letter V, page 264.
Perkin Warbeck.

It is difficult to solve the problem whether James was a sincere believer in the reality of Warbeck's pretensions. I am inclined to think that, from political motives, he first entered into the intrigues with the Duchess of Burgundy, which commenced soon after Lambert Simnel's defeat and capture—though without any steady conviction of the truth of Warbeck's story—but that he became afterwards, on the arrival of this extraordinary person in Scotland, a convert to his being a son of the Duke of York; and that he entertained the same opinion even when he found it necessary to advise his departure from Scotland. Of the residence of Warbeck in this country, the Treasurer's Accounts furnish some curious illustrations. It appears that Jamie Doig, a person whose name occurs frequently in the Treasurer's Books, and who is embalmed in Dunbar's Poems, "tursed the arrass work," or arranged the hanging and tapestry at Stirling, on the 20th November 1495, in contemplation of Prince Richard's arrival, (Treasurer's Books

under that date.) A person named David Caldwell received eighteen shillings for the "graithing" or furnishing of his chamber in the town; and couriers were sent with letters to the Lords of Strathern and Athole, and to the Earl Marshal and the Barons of Angus, requiring them to attend upon the meeting of the King and Prince Richard in Saint Johnston, (Treasurer's Book, sub anno 1495.) It is mentioned in the text that a tournament was held in honour of his arrival, and many entries in the Treasurer's Books relate to it and to the preparations at the same time for the war against England. Thus, on the 9th September 1496. "Item, for an elne, half a quarter, and a nail of double red taffety to the Duke of Zorkis banare —for the elne, xviii sh.—xxi sh. iiii d. Item, given for iic of gold party for the Duke of Zorkis banere, xxvii sh. vii d. Item, for iii quaris of a silver buke to the same banare, vi sh. Item, for half a book of gold party to ye Duke of Zorkis standart, xx sh. Item, for a book of fine gold for the king's coat armour, iii lb. x sh. Item, to the Duke of York in his purse by the king's command, xxxvi lb." In the following entry we find mention of an "indenture," drawn up between James and the Duke of York, which is now unfortunately lost. "Item, given to Roland Robison (he was a French gunner or engineer, who had probably been in Warbeck's service when at the court of Charles the Eighth) "for the red" (settlement) "of the Inglismen to the sea, like as is contenit in an indenture made betwixt the king's gude grace and the Duke of Zork, iic lb."

It is probable that one of the conditions entered into by James in this indenture was to pay to Warbeck a monthly pension of one hundred and twelve pounds. Thus, in the Treasurer's Books, May 6, 1497, we find this entry. "Item, to Roland Robison, for his Maisteris" ("Zork" on the margin) "monethis pensioun, ic xii lb." Again, June 7, 1497. "Item, to Roland Robison and the Dean of Zork, for their Maisteris monethis pension, ic xii lb." And again, June 27. "Giffin to the Dean of Zork and Roland Robison for the Dukis (of Zorkis) monethlie pensioun to come in, ic xii lb." This large allowance, which amounted to one thousand three hundred and forty-four pounds yearly, was probably one great cause for James's anxiety to see Warbeck out of the kingdom; for, besides the pension to the Duke of York, it must be recollected that the king supported the whole body of his English attendants; and the entries of payments to Roland Robison for "redding," or settling, the Englishmen's costs, are numerous. Warbeck, too, appears to have been extravagant; for notwithstanding his allowance, he had got into debt, and had pledged his brown horse, which he was forced to leave in the innkeeper's hands, although thirteen shillings would have set him free. "Item, giffin to the prothonotare to quit out the Duke of Zorkis brown horse that lay in wed in the toune, xiii sh." The same Books contain a minute detail of the victualling of the ship in which Warbeck, accompanied by his wife, Lady Catherine Gordon, quitted Scotland. The vessel was not only under the command, but was the property of the afterwards celebrated Robert Bertoune. Amongst the stores were "twa tun and four pipes of wine, eight bolls of ait mele" (oatmeal,) "eighteen marts of beef, twenty-three muttons, and a hoghead of herring." Andrew Bertoune, the brother of the captain, is mentioned as having furnished biscuit, cider, and beer for the voyage. The Duchess of York, by the king's command, received three elns and a half of "rowane cannee," to make her "ane see goune," with two elne and a half of ryssilis black, to make her cloaks. It is well known that, after the execution of Warbeck in 1498, the extraordinary beauty and misfortunes of this lady induced Henry the Seventh, whose disposition, although cautious, does not appear to have been either cold or unamiable, to treat her with kindness and humanity. The populace applied to her the epithet of the White Rose of Scotland. She was placed under the charge of the queen—received a pension—and afterwards married Sir Mathew Cradock of North Wales, ancestor of the Earls of Pembroke, (Stewart's Genealogy, p. 65.) From an entry in the privy purse expenses of Henry the Seventh, published by Sir Harris Nicolas, (p. 115, part ii. of the Excerpta Historica,) she seems to have been taken on 15th October 1497.

Sir Mathew Cradock and the White Rose had an only daughter, Margaret, who married Sir Richard Herbert of Ewyas, natural son of William, first Earl of Pembroke, (Dugdale's Baronage, vol, ii. p. 255.) Their son William,

on the extinction of the legitimate male line of the Earls of Pembroke, was created Earl of Pembroke by Edward the Sixth, (Dugdale's Baronage, vol. ii. p. 258.)

Sir Mathew Cradock and the Lady Catherine, his wife, are interred in the old church at Swansea, in Glamorganshire, under a monument of the altar kind, richly decorated, but now much mutilated and defaced—beneath which is this inscription :—

HERE LYETH SIR MATHU CRADOCK, KNIGHT, SOME TIME DEPUTIE UNTO THE RIGHT HONOURABLE CHARLES GRIE OF WORCET . . . IN THE COUNTY OF GLAMORGAN . . . MOR . . CHANCELLOR OF THE SAME, STEWARD OF GOWER AND KILVEI, AND MY LADY CATHERINE HIS WIF.[1]

"Sir Edward Herbert of Ewyas is buried," says Dugdale, (Baronage, vol. ii. p. 258,) "under a noble tomb at Bargavenny, beside Margaret his wife."

LETTER X, page 294.

Battle of Flodden.

It is difficult, from the conflicting accounts of historians, to arrive at the numbers of each army in the battle of Flodden; and even more difficult to estimate the loss on both sides. That nearly a hundred thousand souls mustered on the Borough-muir is extremely probable; but it is to be recollected, that of these a great many were waggoners, sutlers, servants, and camp-followers; that the presence of the king and the whole body of the nobles inferred the attendance of more than the usual number of servants; and that, owing to the delay in active operations, and the scarcity of provisions, the army was diminished by desertion previous to the battle. When this is considered, the estimate of thirty-five or forty thousand men (the latter number is that of Dr Lingard) is probably pretty near the truth. On the side of the English, it is certain from the English contemporary account of the battle, that Surrey's army was, at the lowest computation, twenty-six thousand strong; and it is by no means improbable that this was rather a low estimate. The battle began between four and five in the afternoon of the 5th of September, and continued, according to an[2] authentic contemporary chronicle, "within night," that is some time after nightfall; all accounts agreeing that the combatants were only separated by darkness. It is a mistake in Lingard, therefore, to tell us it was decided in something more than an hour. From half-past four on the 5th of September, till after nightfall, will give a continuance to the combat of at least three hours. As to the loss sustained, the common estimate of ten thousand Scots is probably under the truth. After giving the names of the nobles and chiefs who were slain, the ancient chronicle already quoted observes, that over and above the said persons, eleven or twelve thousand of the Scots who were slain were viewed by my Lord Dacre,[4] and on the inscription on Surrey's monument at Thetford, the number is seventeen thousand.[5] But whilst this last, which may be considered a eulogistic estimate, is yet perhaps not very far from the truth, it is evident that there is an endeavour on the part of the English historians to conceal their own loss, when they state it at fifteen hundred men. Holinshed, who gives this, admits that the "victory was dearly bought on the side of the English," and when it is considered that it was a fair *stand up* fight, which lasted with the utmost obstinacy for three hours—that no pursuit took place till next day—and that no quarter was given on either side, the assertion that only fifteen hundred English were slain, cannot be believed. In noticing the very few Scottish prisoners taken, the ancient English account of the battle observes, "many other Scottish prisoners could and might have been taken, but they were so vengeable and cruel in their fighting, that when Englishmen had the better of them, they would not save them, though it were that diverse Scottes offered great sumes of money for their lives."[6] Lord Thomas Howard, indeed, in his message to the king, had declared, that as he expected no

[1] Ree's Beauties of England and Wales, vol. xviii. p. 725.

[2] The rare contemporary tract reprinted by my friend, Mr Pitcairn, and entitled, "Batayle of Floddon-felde, called Brainston Moore," thus commences:—"The maner of th' advauncyng of my lord of Surrey, tresourier and marshall of Englande, and levetenente generall of the north parties of the same, with xxvi M. towards the kynge of Scotts and his armye, vewed and nombred to an hundrede thousande men at the leest."

[3] Ibid. p. 12.

[4] Batayle of Brainston Moore, p. 11.

[5] Ridpath's Border History, p. 491.

[6] Batayle of Brainston Moore, p. 12.

quarter himself he would give none; and this fierce resolution of the English admiral was probably rendered more intense in its operation by the silence of the Scottish king, who replied with courtesy to the cartel of Surrey, but did not condescend to send Howard an answer. With the exception of the Highlanders and Islemen, the Scots preserved good discipline. Their army, when first seen by Howard, was drawn up in five divisions: some in the form of squares, others in that of wedges, and they descended the hill on foot in good order, after the manner of the Germans, in perfect silence.[1] Every man, for the most part, was armed with a keen and sharp spear, five yards in length, and a target which he held before him. When their spears failed, they fought with great sharp swords, making little or no noise. The old account of the battle expressly states that few were slain by arrows, as the rain had damaged the English bows, but that most fell by the bills of the Englishmen; and yet the armorial device given as an augmentation to his arms to Surrey, in commemoration of his victory—a demi-lion gules, transfixed with an arrow—seems to contradict this; whilst the impatience of the Highlanders, under Huntly and Lennox, has always been ascribed to the deadly discharge of the English bowmen. The English artillery were well served, and did considerable execution; whilst the Scottish guns, injudiciously placed, and ill-directed, fired over the heads of the enemy—a blunder probably to be ascribed to the obstinacy of the king, who would not suffer them to play upon the English columns when they were passing the river. James thus lost the great advantage which might have been derived from the acknowledged excellence in the make and calibre of the Scottish ordnance.

As the battle of Flodden is of much importance in tracing the military history of the country, I may notice an inaccuracy of Hume, which to the general student might seem of little importance, but to the military reader it will not appear so. This historian informs us[2] that Surrey, finding that the river Till prevented his attack, made a feint by marching to Berwick, as if he meant to enter Scotland; upon which James descended from his encampment, having fired his huts. "On this Surrey," says he, "took advantage of the smoke, and passed the river with his army, rendering a battle inevitable, for which both sides prepared with tranquillity and order." This, any one who will study the battle as it is given in this history, from contemporary records, will discover to be a misapprehension of the fact.

[1] Original Gazette of the Battle of Flodden, MS. in herald's office, printed by Pinkerton.—Appendix to 2d vol. No. X.—La battaile dud: Roy D'Escosse estoit divisee en cinq: battailles, Et chacun battaille loing l'un de l'autre environ un trait d'arc * * partie d'Eulx Estorent en quadrans, et autres en maniere de pointe.

Letter Y, page 303.

Diurnal of Occurrents in Scotland.[2]—*Authenticity of the First Part of this Work.*

The frequent references in the text to the first part of this work, as an original and valuable authority, renders it necessary to explain the reasons which have led the author to form a different opinion of its authenticity from that given by its learned editor. In the Prefatory Notice to the volume, there is this sentence, "to those who are at all acquainted with the minute details of Scottish history in the sixteenth century, a very slight perusal of the work will suggest that in its different parts it is of very unequal value. From the era of the battle of Flodden and the death of King James the Fourth, in the year 1513, at which it commences, down to the termination of the government of the Earl of Arran in 1553, its details, comparatively meagre and occasionally inaccurate, are obviously not recorded by a contemporary chronicler, but must have been derived from tradition and other imperfect sources. Yet, even in this first and least valuable portion of the work, will be found many minute facts and notices that would be vainly looked for in the ordinary histories of the reign of King James the Fifth, and the first ten years of the reign of Queen Mary."[3] In pronouncing this first portion of the Diurnal of Occurrents the work, not of a contemporary chronicler, but of some subsequent writer, deriving his materials from tradition, and other imperfect sources, the editor appears to me to have fallen into an error, which could scarcely have been avoided by one

[1] Hume's History, p. 292.
[2] Published by the Bannatyne Club.
[3] Preface, p. I.

who compared the Diurnal of Occurrents with our earlier historians, Lesley and Buchanan, or even with the later volumes of Maitland. It not only is contradicted by them in some important particulars, but it contains events, and these not minute, but grave and material facts, which are not to be found in either of these authors. These events, however, can be proved to have occurred by evidence of which the authenticity is unimpeachable; and it is the discovery of their perfect truth which has induced me to consider the greater portion of the first part of the Chronicle, entitled the "Diurnal of Occurrents in Scotland," as the work of a contemporary, who wrote from his own knowledge, and not a compilation from traditionary sources. I say the greater portion, because such a character belongs not to the whole of the first part; and it seems probable that this valuable original matter has fallen into the hands of some later and ignorant compiler, who, preserving the purer ore, has in some places mixed it up with erroneous additions of his own.

To support these conclusions, let me give some proofs; the years 1543, 1544, occurring in the Regency of Arran, form an obscure era in our history; and did we possess no other guides than the common historians, Lesley, Buchanan, or Maitland, we should be left in a maze of confusion and contradiction. The revolutions in state affairs are so sudden and so frequent during this period; the changes in the politics and the conduct of the different factions so rapid and so apparently contradictory, that without some more authentic assistants, the task of unravelling or explaining them would be hopeless. It is upon this period that the original correspondence in the State-Paper Office throws a flood of clear and useful light, introducing us to the actors in these changes, not through any second-hand or suspected sources, but by supplying us with their original letters to Henry the Eighth and his ministers. Now, to come from this observation to the work entitled the Diurnal of Occurrents. When it is found that it, and it only, contains various facts, demonstrated by these original letters to be true, and which sometimes are not mentioned, sometimes are positively contradicted by our general historians, such a circumstance must create a strong presumption in favour of its value and authenticity; that a work which stands this severe test should have been, not a contemporary, but a later production, compiled from tradition, and imperfect sources, seems to me nearly impossible.

To take an example from the period already mentioned. In the year 1544, in the Diurnal of Occurrents, p. 33, we find this passage:—"Upon the thrid day of Junii, thare was ane general counsall haldin at Stirling, quhairat was all the nobelles of Scotland, exceptand the Erles of Lennox and Glencairn; quhair the governor was dischargit of his auctorite; and maid proclamation through the realm, that nane obeyit him as governor; and als thair thei chesit thrie erlis, thrie lords, thrie bishops, thrie abbotes to be the secreit counsale; quhilk lastet not lang, for everie lord ded for his awin particular profit, and tuk na heid of the commonweill; but tholet the Inglismen and theivis to overrin this realm." In the same chronicle, p. 34, is this sentence,—"Upon the last day of Julii, thare was ane Parliament sould have been halden in Edinburgh; and the governor, with his complices furneist the town, and held it, becaus he gat word the queenis grace drowarie was cummit out of Striveling to the Parliament; becaus thai yet being in hir company was full of dissait, sho past to Stirling with meikle ordinance and swa the Parliament was stayit." Again, in the same chronicle, p. 36, we find this passage,—"Upon the 5th day, (1544,) the governor held ane parliament in Edinburgh.—Upon the 12th of November, the queen's grace drowrier [dowager] held ane parliament in Striveling, and thareafter the parties suld have met, and stayet in hope of aggreance, and the cardinal raid betwix them, quha come to Edinburgh and tuk the governor to Stirling with him, quhair gude aggreance was made to be bund to hir grace, and twentee four Lordis counsall." It will be at once perceived that these passages embody the history of an important revolution, which for nearly six months changed the whole face of affairs in Scotland. In May 1544, Arran was the unchallenged governor of the kingdom; in June, the queen-dowager arose against him, was joined by the whole body of the peers excepting Lennox and Glencairn, held a general council at Stirling, in which he was discharged from his office, made proclamation through the realm that none should obey him, and appointed a new secret council for the management of

the affairs of the state. In July, as is shewn by the second extract, an attempt was made by Arran, who still claimed the name and authority of governor, to hold a parliament in Edinburgh; but the queen-dowager advanced with great force to the city; the governor fortified it against her; she retreated to Stirling, and the parliament was delayed. Three months after this, in the beginning of November, Arran the governor assembled a parliament at Edinburgh; the queen issued writs for a rival parliament, to be held on the 12th of the same month at Stirling; and the cardinal dreading the effects of this miserable disunion, acted as a peace-maker between the two parties, and at length brought them to an agreement.

Now, of these very important events, no notice whatever was to be found in our general historians; nay, the tenor of their narratives seemed to contradict them; the question, therefore, at once came to the credibility of the Diurnal of Occurrents. In this dilemma I was delighted (the reader, who knows the satisfaction of resting, in researches of this nature, upon an authentic document, will pardon the warmth of the expression) to meet with the following paper in the State-paper Office, which, it will be seen, completely corroborated the assertion of the Diurnal as to the deprivation of the governor. It is dated June 1544, and entitled, "Copy. —Agreement of the principal Scots nobility to support the authority of the queen-mother as regent of Scotland against the Earl of Arran, declared by this instrument to be deprived of his office." This valuable paper in its entire state will be given in the forthcoming volume of State-papers relative to Scotland, published by Government. In the meantime, the following extract will be sufficient for my purpose. After stating the fact of a convention having been held at Stirling on the 3d of June, it proceeds thus to describe their deliberations and proceedings. "After long and mature consultacion had, in the said matiers, by the space of iii. or iv. daies contynuall, fynally [they] fand that oon great part why inobedience hath ben within this realme, sithins the king's grace's, and that other inconveniences which have happened, was, and is in my lord governor, and his counsaile, that was chosen to have ben with him for the time: and for remedye herof in times commyng, and that perfit obedience maie be to our soverain ladie's auctborite, [that] unite, concorde, and amitee maie be hadd among all our soverain ladie's lieges, and speciallie among the great men; and that they maie convent at all times to give their counsaile in all matiers concernyng the quene's grace our soverain ladye, and her realme; and that justice maie be doon and executed among the lieges therof; and that resistance maie be made to our ennymies: They all, without variaunce, consulted and deliberated, that the quene's grace, our soverain ladye's mother, shulde be egall with him therintill; and that oon great counsaile, adjoyned with my lord governor in the using of th' auctboritie of governement in all times comyng, shulde be chosen, of xvi. persones—xii. of them the greatest erles and temporal lords of the realme, and iv. spiritual men, as in the deliveraunce mad therupon the vi.th daie of the saide monith of Junii, is at more length conteyned. The whiche deliveraunce and counsaile was shewen and declared to my lorde Governor, before the quene's grace and the whole lords, the saide vi.th daie of Junii. And the lords who devised the same, praied my lord governor that he wold consent therto, both for his owne weale and for the weale of our soverain ladye the quene, and of the whole realme, for divers causes and respects particularly appointed and declared; and specially, because the quene's grace our soverain ladie's mother is a noble ladye of highe linage and bludde, of great wisedome, and haile of lief, having the king of Ffrance, and the greattest nobles of that realme, and others about hyr, tendre kynsmen and friends, who will be the more readye to supporte the realme for defense of the same if hyr grace be well favoured and honored by the nobles therof, and holden in honor and dignitie; and also, because the whole nobles have theire special confidence in hyr grace, and doo think them sure to convene in any place where hyr grace is present. My lord Governor tuke to be advised while the morne at even, viz. the vii.th daie of the saide monith, and then to give the answer. Attour, that same daie incontinent the saide deliveraunce and consultacion was shewen to the remanent of the lords, both prelates, erles, lords, barons, and other noble men of the realme personallie present, who being all singularlie asked of theire opinion, declared, ilk man for

himselfe, that the saide deliverance and consultacion was good and for the common weale of this realme: and therfore affirmed the same. The which vii.th daie being bepast, and noon answer made nor sent by my lorde Governaer on the premises, and aftre diverse messages sent to him of the lords of Counsaile, and nothing reaported again but vayne delaies: The lords of Counsaile, upon the ix.th daie of the saide moneth, directed furth our soverain ladie's (letres) to require my saide lorde Governor to compare in the said Graye ffrers place of Striveling, where the said convencion is holden, upon the x.th daie of the said moneth, to accept and consent to the saide ordinaunce and articles, and to concurre with the quene's grace in th' administration of the governement with th' advise and counsaile of the lords; with certification, that if he faileth it, the lords wolde determyn him to be suspended from th' administracion of his offices, and wolde provide howe the same shulde be used in time to coom while further remeadie weare founde therto, as in the saide letres directed therupon more fully is conteyned. At the which x.th daie of Junii the lords convented in the fratre of the said graie ffreers, and there consulted upon the matiers concerning the commonwealefande, and awayted upon the coming of my lord governor, and upon his answer, for a x houres before noon while xii howers was stryken. And he neither compared by himself, nor sent his answer to accept and consent to the said ordinaunces and statutes there. Than the lords gave theire decrete, decerning my lord Governor *to be suspended, and suspending him from th' administration of his offices*, while further remeadye weare funde therfor. And because of the urgent necessite of the realme, and invading of the same by our old ennymies of England, and for the furthe setting of our soverain ladie's auctorite, and perfit obedience to be had therto, unitie concord to be had among all them of this realme both great and smale without th' administration of the governement weare put in soom persones hands most convenient therfor, the saide lords, without variaunce, have thought noo other persone more convenient therto nor the quene's grace our soverain ladie's mother, for the good and urgent causes before expressed. And therefore have chosen hyr grace to use and minister in the saide office of governement, with th' advise of the lords of counsaile conforme to the acts and ordinaunces made therupon of before, while further remedye be made herto. And hyr grace hath accept the same in and upon hyr to be used with th' advise of the saide lords as said is. And bicause hir grace can not doo the same without she be starklie mainteyned and defended therintyll, Therefore we archbishopps, bishopps, erles, lords, barons, abbotts, and others noble men whose names herafter subscribed, doo bynd and oblige us, and promitt by the faithes in our bodies, and have gyven our aithes herupon, that we shall maintein and defende the quene's grace our soverain ladie's mother in the using and administracion of th' office of governement and th' auctorite in all things. And we shall gyve unto hyr our best counsaile in all things. And shall resist with our bodies and friends and our hole substance, to all them that will impugne or comen in the contrarie therof undre the payne of perjurie and infamye. And also ilk oon of us shall tak afalde part with others, without excus or fenzeing in this matier and defense therof. Undre the paine afersaide.

"Gawen of Glasgow.
Patrick Morvinen.
Willm of Dumblane.
Ro. Orchaden: Epis.
T. Commendator of Driburt, D. de Cuper, V. de Culros.
Archbald Erle of Anguss.
Erle Bothwile.
Willm Erle of Montross.
Willm Lord Sanchar.
Robart Maxwell.
George Erle of Huntlie.
G. Erle of Caslis.
Erle of Merschell.
John Erle of Mentieth.
Hew lord Somerwell.
George Duglass.
Erle of Murray.
Archd Erle of Argile.
George Erle of Erroll.
John lord Erskin.
Willm lord of Sanct John.
Malcum lorde chalmerlane.
Hew lord Lovett.
Schir John Campbell of Cawder, Kgt.[1]"

This extract settles the point as to the

[1] In the State-paper Office; now published for the first time.

correctness of the Diurnal in its narrative of the revolution of the 3d of June. Next came the question regarding the rival parliaments, the meeting of the three estates at Edinburgh, by summons of the governor, on the 5th of November, and the meeting of the parliament at Stirling, by summons of the queen-regent, on the 12th of the same month: upon this point the correspondence in the State-paper Office was silent; but fortunately the evidence of the Acts of the Scottish parliament establishes the accuracy of the facts stated in the Diurnal of Occurrents. In the second volume of the Acts, p. 445, we find that the governor Arran held a parliament at Edinburgh on the 6th of November; and one of the acts then passed by the three estates is thus entitled:—"Deliverance annulling ane Proclamation be the Queen's Moder, and certain Lordis, of ane pretendit parliament, and of certane other pretendit actis." In turning to the act we find the whole narrative of the Diurnal thus fully corroborated. It states, that "the queen mother (I use the modern spelling) to our sovereign lady, with a part of lords and others our sovereign lady's lieges, ill-advised, has caused proclaim a pretended parliament to be held at the burgh of Stirling, the 12th day of November, instant, with continuation of days, without any sufficient authority;" after this preamble, the decision of the three estates is thus given:—"the whole three estates of parliament, with the votes of many others, nobles, barons, and gentlemen, being present, has declared, and declares the said pretended parliament to be held at Stirling, as said is, and the pretended summons raised against my lord Governor, in their manner, to have been and to be, from the beginning, of none avail, force, nor effect. And such like all pretended acts made at Stirling regarding the suspending of my lord Governor from the administration of his said office, and discharging him of his authority in their manner." The evidence contained in this statute so clearly proves the accuracy of the Diurnal of Occurrents, that upon this point any other remark would be superfluous.

A second proof of the authenticity of the same work is to be found in the accuracy of the account there given of the intrigues of the Douglases and their treasonable correspondence with England, at a time when our general historians know nothing of any such matters. Here the Diurnal of Occurrents maintains its character for truth, when examined by the severest of all tests, the original correspondence of the principal actors in the events. Of this I shall give a striking example. In the Diurnal, pp. 39, 40, is an account of that abortive invasion of the governor, (August 10, 1545,) in which he broke into England with an army of thirty thousand men, and again on the third day thereafter, the 13th of August, was compelled to return home. Now, on this occasion, the Diurnal ascribes the failure of the expedition, and the retreat and dispersion of the army, to the deceit and treachery of George Douglas and his party.[1] The dispersion of the Scottish army is thus mentioned, p. 39:—"Upon the nynt [ninth] day of August, the governor with his company made their musters on Fawnrig Mure to the number of 30,000 men by [besides] the Frenchmen whilk [which] were 3000. And the same day at even they passed in England, and burnt Cornwall and Tilmouth, Edderslie, Brankston, with sendrie othere towns thereabouts, and there did no other thing to their lak and dishonour." "Upon the tenth day of August, the said Scottis was pairted [divided] in three battles [battalia], in the vanguard the Earl of Angus, Marshall, Errol, Glencairn, and Cassillis, Lords Gray, Glammes, and Yester; in the rereward Erles Huntly, Bothwell, Lords Ruthven, Drummond, Borthwick, Fleming, Home; in the middle ward the Governor, with the body of the realme and Frenchmen, with twa wings, the ane [one] Lord Seton, the Laird of Bass, and many other gentlemen, the other the Laird of Buccleugh,

[1] The retreat from Coldingham is ascribed to the same cause, "On the morne [morrow] the Scots without any skaith [harm] fled misorderlie. The Inglishmen persevand this, twa thousand of thame followit the chase to Cockburne quha durst not bide [stay] a strike. Of this hoste the Erle Angus had the wangaird [vanguard], there was with him the Erles of Cassillis, Glencairne, the Lords Somerville, Yester, the sheriff of Ayr, quha [who] did but feebly; in the rear was the Earl of Bothwell, quha baid [abided] stiffly quhill [until] he might no more. George Douglas had the wyte [blame] hereof, for he said the Englishmen were ten thousand men, lyin within the said town: the invention [artifice] was saissit on chance by the Erle of Bothwell."

with all Liddesdale and Teviotdale; and on this order they raid [rode] in England, and burnt Tweesdale, Grendonrig, the great tower, Newbigging, and Dudie, with the towers thereof; and there was on the Pethrig of Englishmen 6000 [had] the Scots followed with speed, they had vanquished all the said Englishmen. Upon the 13th day of August, the Scottish men come hame, through the deceit of George Douglas, and the vanguard, who would not pass again through his tyisting."

Such is the history of this remarkable invasion given in the Diurnal, and to this narrative the same observation may be applied which was already made regarding the revolution in 1544, namely, that such an explanation of the cause of its failure is new to Scottish history, and to be found in the Diurnal alone. We find no mention of any such thing in Lesley, Maitland, or Buchanan. How, then, are we to discover the truth upon this subject? Simply by going to the letters of the actors themselves, which describe these events, and are fortunately accessible. In the State-paper Office we find an original despatch from the Earl of Hertford and the Council of the north to Henry the Eighth, in which, after detailing the plan of his proposed invasion, he encloses a letter in cipher which he had received from George Douglas and the Earls of Angus, Cassillis, and Marshal. It may be well to give Hertford's description of the mode in which this letter was conveyed to him, as it contains a curious illustration of the extreme caution with which this secret correspondence between Henry the Eighth and the Douglases was carried on. "After this device of the said proclamation, one Thomas Forster, who was of late, by your majestie's commandment, at the desire of the Earls of Angus and Cassillis, George Douglas and others, sent to them into Scotland, came hither to me the said earl, and shewed me a letter sent to him from one Sym Penango, servant to George Douglas, of such effect as your majesty may perceive by the same letter here enclosed; upon the sight whereof I willed the said Thomas Forster to go and speke with the said Penango according to his desire, with whom he hath been at the place appoynted between them, where he received of the said Penango a letter in cipher, sent him from George Douglas, which we have deciphered, and send both the cipher and the decipher to your majesty herewith."[1] The letter here described not only establishes the fact of the general treasonable correspondence between Henry and the Earls of Angus, Cassillis, Marshal, George Douglas, and others, which is mentioned in the "Diurnal," but contains this remarkable passage relative to the expedition of Arran into England, on the 9th of August, and his return home on the 13th of the same month, which, in the same work, is ascribed to the deceit of George Douglas and the vanguard. "Further, as to this last journey of ours, it was advised by the queen, cardinal, and this French capitaine, Lorges Montgomery. Huntly fortified this army at his power. Notwithstanding, at short, all that they devised *was stopped by us that are the king's friends.* Their whole intent was to have besieged the king's houses, unto the time they had gotten bargain, *but all was stopt, whereof they stood nothing content.*"[2] Now, looking to the passage above in the Diurnal, we find it there asserted that the expedition was ruined "thro the deceit of George Douglas and the vanguard." We know, from the same work, that in the vanguard were the Earls of Angus, Cassillis, and Marshal, with others. The journey or invasion took place on the 10th of August, the retreat on the 13th, and here on the 25th of the same month, we have a letter from George Douglas and the Earls of Angus, Cassillis and Marshal, in which they declare to the Earl of Hertford, that the whole expedition was stopped by them, and claim credit for it with the English king. This coincidence offers a fine example of the corroboration of an ancient chronicle by the original correspondence of the times; and the learned editor of the Diurnal will readily allow that a work thus corroborated could not have been compiled from traditional and imperfect sources, but must have been the production, not only of a contemporary writer, but of one minutely and accurately informed in the history of the times. It is for this reason I have quoted it as an original authority, and have preferred any information it communicates to the vague, loose, and ima-

[1] Orig. State-Paper Office; not before published.

[2] Ibid.

ginary details of the general historians of this period. Other instances might be given of the accuracy of the first part of the Diurnal when checked by the correspondence of the times, but my limits will not permit me. That there are occasional errors in the narrative is not to be disputed: but they may be chiefly traced, I think, to the ignorance or carelessness of the transcribers of the manuscript.

LETTER Z, pages 361 and 362.

Conspiracy of Lady Glammis.

That a noble matron, in the prime of life, and of great beauty, should be tried, condemned, and burnt, for an attempt to compass the king's death by poison, and should also have the crime of witchcraft imputed to her by most of our historians, is an appalling event. In the absence of direct proof, Mr Pitcairn, in his notes upon the trial of Lady Glammis, has adopted the story told by Buchanan, (book xiv. c. 54,) and repeated by all following writers, with the exception of Pinkerton; he pronounces her innocent of the crimes laid to her charge, and a victim of James's implacable hatred to the house of Douglas. The examination of the curious evidence which he has published has led me to form a different opinion. As to her being justly found guilty of treason, in assisting the Earl of Angus and George Douglas, in their attempts to "invade" the king's person, and re-establish their authority in Scotland, there seems to be no question. It was natural she should support her brothers; and had her offences been confined to this, although the act was undoubtedly treason, it is probable the sentence of death would have been exchanged for banishment or imprisonment. But a little investigation will convince us, I think, that the king was not so unjust and implacable as has been imagined, nor the lady the injured and innocent woman she has been represented. Let us look a little into her life.

She married, probably about the year 1521, John, sixth Lord Glammis. He died on the 8th of August 1528, in his thirty-seventh year; and, about four months after his death, (Dec. 1, 1528,) Lady Glammis was summoned, with Patrick Hume of Blacater, Hugh Kennedy of Girvanmains, and Patrick Charteris, to answer before parliament for having given assistance to the Earl of Augus in convocating the king's lieges for the invasion of his majesty's person.[1] These men were all bold and active partisans of the Douglases. On September 20, 1529, we find that Lady Glammis and Patrick Charteris of Cuthelgurdy, a person who, in the interval, had been indicted to stand his trial for fire-raising and cow-lifting,[2] obtained a letter of licence to pass to parts beyond sea, on their pilgrimage, and other lawful business.[3] Whether Patrick and the lady had gone upon their pilgrimage, does not appear, but she did not interrupt her political intrigues, and seems to have been again not only summoned, but found guilty of treason; for, on July 1, 1531, we find that Gavin Hamilton got a gift from the crown of the escheat of all the goods heritable and movable, of Janet Lady Glammis, which had been forfeited on account of her intercommuning with our sovereign lord's rebels, or for any other crimes.[4]

At this time she appears to have fled from justice, and we lose sight of her for some time; but, on 31st January 1532, a far darker crime than caballing with rebels, or associating with fire-raisers, was laid to her charge. She was summoned to stand her trial at the justice-ayre of Forfar, for the poisoning her husband Lord Glammis. The crimes of poisoning and witchcraft were then very commonly associated, as may be seen from many interesting trials in Mr Pitcairn's Collections. The great dealers in poisons were witches, and the potency of their drugs was thought to be increased by the charms and incantations with which they were concocted: hence probably the *mala fama* against Lady Glammis, as a witch or sorceress. But however this may be, it is certain that, on February 2, and February 26, 1532, Lord Ruthven, Lord Oliphant, with the Lairds of Ardoch, Moncrieff, Tullibardine, and a great many other barons, to the number of twenty-eight, were fined for not appearing to pass upon the Lady Glammis' jury:[5] and the imperfect and mutilated state of the criminal records of this period, unfortunately leaves us in the

[1] Pitcairn, vol. i. p. 188.
[2] Ibid. vol. i. p. 141.
[3] Ibid. vol. i. p. 244.
[4] Ibid. vol. i. p. 246.
[5] Pitcairn's Trials, vol. i. p. 153.

dark as to the future proceedings upon this trial. The probability seems to be, that she was either acquitted, or the charge dropped from want of evidence. If innocent, she was certainly most unfortunate; for, on the 17th of July 1537, she was, for the fourth time, brought to trial, found guilty of having been art and part in the conspiring the death of the king by poison, and also for her having treasonably assisted Archibald, earl of Angus, and George Douglas his brother, who were traitors and rebels. For this crime she was condemned to be burned at the stake, the common mode of death, as Mr Pitcairn informs us, for all females of rank in cases of treason and murder, and from which he plausibly conjectures, that the vulgar opinion of her having been burned for a witch may have partly arisen. Her son Lord Glammis, then only sixteen years old, her husband Archibald Campbell, a priest, and a barber named John Lyon, were tried along with her. The witnesses, as was usual in this cruel age, being examined under the rack, or *pynebaukis*, Lord Glammis, on his own confession, was found guilty of concealing the conspiracy, and imprisoned till the death of James the Fifth, when he was restored to his estates and honours, upon the ground, that, in fear of his life, and having the rack before his eyes, he had made a false confession.[1] The long extracts given by Mr Pitcairn, from the histories of Scott, (not Sir Walter Scott,) Lesley, Hume of Godscroft, and the Genealogy of the house of Drummond, seem to me scarcely worthy of the place he has assigned them,[2] and cannot be quoted as authentic evidence. Scott's story is a mere repetition of Buchanan's, with some ludicrous additions of his own—as, where he tells us, Archibald Campbell, the husband of Lady Glammis, commanded the third regiment in the king's army. Lesley falls into blunders which Mr Pitcairn has detected; Sir James Balfour repeats them; and as for David Hume of Godscroft, none acquainted with his history will trust him, when he stands unsupported by other evidence. The only authentic, and, as I believe, contemporary account of the trials of the Master of Forbes and Lady Glammis, is to be found in the following passage from the Diurnal of Occurrents, p. 22:—"In this menetyme, the Master of Forbes was accusit of tressone by the Laird of Lenturk, and was put in ward in the castell of Edinburgh. In the said moneth of Julii, the Lady Glammis, sister to Archibald, earl of Angus, was accusit for tressonne; her husband, Archibald Campbell of Skepnische; her son, the Lord Glammis, of sixteen yeares of age; ane barbour John Lyon, and ane priest, all accusit in the tolbooth of Edinburgh. The said lady was condamnit to be brynt quhell deid: scho deet; and her husband, sone, and the rest, ordanyt to remain in prisone in the castell of Edinburgh forsaid.[3] — Upon the 13th day of July, the Master of Forbes was convicted for tressonne, and drawin, hangit, and heidit."

That there is any ground on which we may conclude, that unprincipled witnesses were brought forward to give false testimony, upon which the jury were compelled to convict her, I cannot admit; still less do I perceive the proceedings to have been characterised by any savage traces of unmanly revenge upon the part of the king. On the other hand, it appears clear, that at this time the Douglases, whose last hope of restoration had been destroyed, began to embrace desperate designs. "The letters of Penman, their secret agent," says Pinkerton (vol. ii. p. 350,) "to Sir George Douglas, his employer, betray a malice, and designs the most horrid." "The king is crazed, and ill spoken of by his people." "He has beggared all Scotland." "All are weary of him." "James shall do the commandment of the Douglases, God willing." "All hate him and say he must go down." "His glass will soon run out." These diabolical expressions against a prince in the vigour of early life, what can they insinuate but poison or the dagger? Could they be addressed to a person who did not seal them with approbation? And could a more fit or secret agent than a sister be

[1] Pitcairn's Trials, vol. i. p. 327.

[2] Ibid. vol. i. p. 244.

[3] We may infer, I think, from the omission of any notice of the horrid fate of the husband of Lady Glammis, who, some time after his imprisonment, was dashed to pieces on the rocks in attempting to escape from the castle of Edinburgh, that the Diurnal was written at the very time of his trial. It is hardly possible, if it had been a subsequent compilation, that this circumstance, which appears in all our historians, would have been omitted. That the author was a Roman Catholic appears from a passage in p. 19.

employed to promote the interests of her family at any risk?" If the reader will turn to Pitcairn's Criminal Trials, p. 190, and read the names of the jurymen who gave the verdict against her, he will scarcely admit the idea of her being innocent; and it is worthy of notice, that instead of having the least appearance of its being a packed jury, some of the leading men amongst them were friends and near connexions of the Douglases. John earl of Athole, one of the jury, married Janet, a sister of that Master of Forbes who suffered for treason at the same time as Lady Glammis, and who was a supporter of the Douglases.—(Douglas Peerage, vol. i. p. 141.) Robert lord Maxwell, another of the jury, it is well known, was intimately connected with the Douglases. He married a daughter of Douglas of Drumlanrig, (Douglas, vol. ii. p. 317,) and his daughter, Margaret Maxwell, was afterwards married to Archibald, earl of Angus, brother to Lady Glammis. William, Master of Glencairn, a third juryman, was also nearly related to the Douglases, and constantly of their party. His mother was Marjory, a daughter of Archibald, fifth Earl of Angus, a sister of Gawin Douglas, the celebrated translator of Virgil, and a grand-aunt of the Earl of Angus, and of Lady Glammis. Gilbert, earl of Cassillis, another of the jurymen, and the pupil of Buchanan, was also a firm partisan of the Douglases. Are we to believe that these men violated their oaths, and found guilty, upon false evidence, an innocent and noble lady, in whose favour they must have felt a strong bias?

Pinkerton, whilst he defends James on good grounds, too rashly pronounces the cases of the Master of Forbes and of Lady Glammis to have had no connexion with each other. There is, I think, a strong presumption to the contrary. The similarity in the charges against them, the circumstance that both were apprehended, tried, and executed within two days of each other—the Master of Forbes on Saturday the 14th of July, and Lady Glammis on Tuesday the 17th; and the fact that the object of both appears to have been to procure the restoration of the Douglases by compassing the death of the king, are striking circumstances, and look as if both plots had been coined in the same mint. The revealer of the conspiracy of Forbes was, as we learn from the extract from the Diurnal of Occurrents, the Laird of Lenturk; and this gentleman, we find from Pitcairn, vol. i. p. 200, was Thomas Strachan. His son, John Strachan, was accused as being a participator in the Master of Forbes's treason, and it is worthy of notice, that David Strachan, probably of the same family, was one of those apprehended at the same time that Lord Glammis the son, and Home of Wedderburn the brother-in-law of Lady Glammis, were imprisoned.[1] David Strachan, whose piteous petition for liberation has been given by Pitcairn, vol. i. p. 206, is nowhere mentioned as having been concerned in the treason of the Lord Forbes. The presumption seems to be, that he was imprisoned for his participation in Lady Glammis's plot, and this seems in some degree to connect the two conspiracies. But all this is conjectural.[2] It was not till the 22d of August, about five weeks after Lady Glammis had suffered, that John Lyon, her accomplice, was tried and found guilty of imagining and conspiring the king's death by poison; and of using the same poison for the destruction of the Earl of Rothes; whilst, on the same day, Alexander Makke, who had sold the poison, knowing from Lyon for what purpose it was bought, was also tried and convicted. Lyon was beheaded: and Makke had his ears cut off and was banished by a singular sentence from all parts of Scotland, except the county of Aberdeen.[3] Mr Pitcairn has drawn an inference for the innocence of Lady Glammis, from the fact that a number of lords and inferior barons suffered themselves to be fined rather than act as jurymen against her. This, however, one of his most noted cases, shews to be no proof. The Master of Forbes confessed on the scaffold that he was guilty of the murder of Seton of Meldrum; yet when tried on the 27th of August 1530, Gordon of Achindown, Lyon of Colmelegy, and fifteen other barons and landed gentlemen, were fined

[1] Sir Thomas Clifford's Letter, quoted by Pitcairn, vol. i. p. 198.

[2] Pitcairn, vol. i. p. 202*, 203*.

[3] John Strachan and Donald Mackay were accomplices with the Master of Forbes, in the murder of Seton of Meldrum. Pitcairn's Criminal Trials, vol. i. p. 150–175. Alexander Makke (Mackay) and David Strachan were accomplices with Lady Glammis in her attempt to poison the king.

for not appearing to pass on his assize. A refusal of this kind was in fact a proof of the power, not of the innocence of the party accused. In concluding this note, I may mention that Lord Glammis had made himself obnoxious to the Douglases, and may therefore have incurred the resentment of his high-spirited and determined consort, by refusing to join them with his vassals on the noted occasion, when they proceeded against the Border thieves, taking the young king along with them —(Pitcairn, vol. i. p. 136.) It was on this occasion that Scott of Buccleuch unsuccessfully attempted to rescue his sovereign from the captivity in which he was held.

END OF VOL. II.

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